82d Congress
2d Session

COMMITTEE PRINT

HEARINGS

BEFORE THE

PRESIDENT'S COMMISSION

ON

IMMIGRATION AND NATURALIZATION

SEPTEMBER 30, OCTOBER 1, 2, 6, 7, 8, 9, 10,
11, 14, 15, 17, 27, 28, 29, 1952

Printed for the use of the Committee on the Judiciary

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HOUSE OF REPRESENTATIVES

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PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

PHILIP B. PERLMAN, *Chairman*
EARL G. HARRISON, *Vice Chairman*
Msgr. JOHN O'GRADY
Rev. THADDEUS F. GULLIXSON
CLARENCE E. PICKETT
ADRIAN S. FISHER
THOMAS C. FINUCANE

HARRY N. ROSENFIELD, *Executive Director*

REQUEST FOR TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D. C., October 23, 1952.

Hon. PHILIP B. PERLMAN,
Chairman, President's Commission on
Immigration and Naturalization,
Executive Office, Washington, D. C.

DEAR MR. PERLMAN: I am informed that the President's Commission on Immigration and Naturalization has held hearings in a number of cities and has collected a great deal of information concerning the problems of immigration and naturalization.

Since the subject of immigration and naturalization requires continuous congressional study, it would be very helpful if this committee could have the transcript of your hearings available for its study and use, and for distribution to the Members of Congress.

If this record is available, will you please transmit it to me so that I may be able to take the necessary steps in order to have it printed for the use of the committee and Congress.

Sincerely yours,

EMANUEL CELLER, *Chairman.*

REPLY TO REQUEST

PRESIDENT'S COMMISSION ON
IMMIGRATION AND NATURALIZATION,
EXECUTIVE OFFICE,
Washington, October 27, 1952.

HON. EMANUEL CELLER,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN CELLER: Pursuant to the request in your letter of October 23, 1952, we shall be happy to make available to you a copy of the transcript of the hearings held by this Commission. We shall transmit the record to you as soon as the notes are transcribed.

The Commission held 30 sessions of hearings in 11 cities scattered across the entire country. These hearings were scheduled as a means of obtaining some appraisal of representative and responsible views on this subject. The Commission was amazed, and pleased, at the enormous and active interest of the American people in the subject of immigration and naturalization policy.

Every effort was made to obtain the opinions of all people who might have something to contribute to the Commission's consideration. All shades of opinion and points of views were sought and heard. The response was very heavy, and the record will include the testimony and statements of some 600 persons and organizations.

This record, we believe, includes some very valuable information, a goodly proportion of which has not hitherto been available in discussions of immigration and naturalization. It is of great help to the Commission in performing its duties. We hope that this material will be useful to your committee, to the Congress, and to the country.

Sincerely yours,

PHILIP B. PERLMAN, *Chairman.*

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HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

TUESDAY, SEPTEMBER 30, 1952

FIRST SESSION

NEW YORK, N. Y.

The President's Commission on Immigration and Naturalization met at 9:40 a. m., pursuant to call, in room 1506, Admiralty Court, Federal Courthouse Building, Foley Square, New York City, N. Y., Hon. Philip B. Perlman, chairman, presiding.

Present: Chairman Philip B. Perlman and the following Commissioners: Mr. Earl G. Harrison, Vice Chairman, Msgr. John O'Grady, Dr. Clarence E. Pickett, Mr. Thomas G. Finucane.

Also present: Mr. Harry N. Rosenfield, executive director.

Chairman PERLMAN. The Commission will be in order.

Ladies and gentlemen, we are about to hold the first hearing before this Commission appointed by the President of the United States to study and evaluate the immigration and naturalization policies of the United States and to recommend policies for the Government relating to immigration and naturalization.

The last Congress devoted a great deal of time and effort to this subject and enacted a bill which was vetoed by the President because, as he stated in his veto message, he did not think that its provisions established a policy adequate to meet the present world conditions. The bill, which is known as Public Law 414, was passed over the Presidential veto and subsequently the President established a Commission, its purpose to make a new study of the subject and to make a written report to him by January 1, 1953.

We will insert in the record at this point the statement concerning the establishment of the Commission, issued by the President on September 4, 1952, and also Executive Order 10392, establishing this Commission, and issued on the same date.

STATEMENT BY THE PRESIDENT

SEPTEMBER 4, 1952.

I have today established a special Commission on Immigration and Naturalization, to study and evaluate the immigration and naturalization policies of the United States.

Our immigration and naturalization policies are of major importance to our own security and to the defense of the free world. Immediately after the war ended, we recognized the plight of the displaced persons; we acted to cooperate with other nations and to admit a share of these victims of war and tyranny into our own country. The displaced persons program has now been successfully concluded, but the free world faces equally grave and equally heart-rending

HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

THURSDAY, OCTOBER 2, 1952

BOSTON, MASS.

FIFTH SESSION

The President's Commission on Immigration and Naturalization met at 9:30 a. m., pursuant to recess, in courtroom No. 6, Federal Courthouse Building, Boston, Mass., Hon. Philip B. Perlman, Chairman, presiding.

Present: Chairman Philip B. Perlman and the following Commissioners: Msgr. John O'Grady, Mr. Thomas G. Finucane, Mr. Adrian S. Fisher.

Also present: Mr. Harry N. Rosenfield, executive director.

The CHAIRMAN. The Commission will come to order. The Reverend Daniel McColgan will be our first witness this morning.

STATEMENT OF REV. DANIEL McCOLGAN, REPRESENTING ARCHBISHOP RICHARD J. CUSHING OF THE CATHOLIC ARCHDIOCESE OF BOSTON

Reverend McCOLGAN. I am Rev. Daniel McColgan, St. John's Seminary, 2101 Commonwealth Avenue, Brighton, Mass. I appear as representative of Archbishop Richard J. Cushing, archbishop of the diocese of Boston. The archbishop was so deeply concerned about this matter that he sent me to appear and read a statement he has written to the Commission.

The CHAIRMAN. You may read the statement.

(There follows the statement read by the Reverend Daniel McColgan in behalf of Archbishop Cushing:)

ARCHBISHOP'S HOUSE,
Brighton 35, Mass.

HON. PHILIP B. PERLMAN,
Chairman, President's Commission on Immigration and Naturalization, Boston, Mass.

HONORABLE SIR: The Archdiocese of Boston numbering about one and a half million souls is practically in its entirety composed of the children of people who left Europe during the past century. In their behalf and in behalf of the thousands of silent souls who will, please God, come in increasing numbers to add to the lustre of America's prestige, I write this note relative to the McCarran-Walter Immigration Act of June 27, 1952.

It is my considered opinion that the act should be amended to purge it of several un-Christian and un-American provisions. Specifically I would like to indicate that:

1. The lamentable national origins theory of the Immigration Act of 1924 is continued and made more rigid by the McCarran-Walter Act. This theory was

openly and avowedly designed to virtually exclude from the United States people from southern and eastern Europe. At least it assumed that people from these areas made less worthy Americans than northern and western Europeans. Now, the theory of national origins cannot be defended without recourse to the discredited and un-Christian tenets of racism. To sanction racism after we have fought a bitter and costly war to defeat it—is nothing short of fantastic.

2. The provisions of the McCarran-Walter Act will make it practically impossible to admit ordinary unskilled immigrants to our country. It virtually confines immigration to people with skills and the dependents of these persons accompanying them or already in the United States. Applied to Italy, a nation which has contributed so splendidly to the growth and defense of the United States, this provision would cut down immigration to a trickle. Italy cannot spare the skilled citizens described above. The unskilled southern Italians who need to emigrate could not find the sponsors required by the act.

3. The McCarran-Walter Act gives the American consuls abroad virtually unlimited powers to exclude any immigrants who, in their judgment, are liable to become dependents or delinquents at any time during their natural lives. Furthermore, the McCarran-Walter bill fails to provide for an independent, fair hearing for the people who are threatened with denaturalization and deportation. I believe the McCarran-Walter bill should be amended to protect adequately the rights of those seeking admission to the United States as well as of those subject to deportation and denaturalization.

The above indicated discriminatory and undemocratic features of the McCarran-Walter law are to my mind a grave potential threat to our domestic development and our international leadership. I wish you and your fellow committee members strength and success in your efforts to effect redress.

Cordially and sincerely,

R. J. CUSHING,
Archbishop of Boston.

The CHAIRMAN. Thank you very much, Father.

Miss Alice O'Connor, you are the next witness.

STATEMENT OF ALICE W. O'CONNOR, SECRETARY, MASSACHUSETTS DISPLACED PERSONS COMMISSION, SUPERVISOR OF SOCIAL SERVICE IN STATE DIVISION OF IMMIGRATION

Miss O'CONNOR. I am Alice W. O'Connor, 19 Logan Street, Lawrence, Mass. I am secretary of the Massachusetts Displaced Persons Commission and supervisor of social service in the State division of immigration, 209 Tremont Building, Boston.

I am appearing in my capacity as secretary of the Massachusetts Displaced Persons Commission.

I have a prepared statement I wish to read.

The CHAIRMAN. We will be pleased to hear it.

Miss O'CONNOR. Public Law 414, passed by the Eighty-second Congress on June 26, 1952, over the veto of the President of the United States, has many excellent provisions which will produce reforms long sought by persons interested in immigration procedure. It removes all absolute bars by race to entrance into the United States and into the citizenship of the United States thus, correcting the injustices caused by earlier laws and establishing a nondiscrimination policy which at least approaches the ideal in which most of the people of the United States believe.

It grants equality in privilege to the woman citizen or alien in respect to nonquota or preferential status for spouse and to exemption from the literacy test. The correction of these inequalities has been long overdue.

The age at which an alien may apply for citizenship, 18, is comparable to the age when the male may be drafted into the Army, instead of 21 as it has been in other years.

There are other good values both to the resident alien, the alien temporarily here, and to the prospective citizen in the act. Ordinarily, persons working in the immigrant field are accustomed to accept the bitter with the better and rejoice in small improvements in the law, even though they personally deplore the underlying racialist character of the method of restriction. Perhaps the time has come now to stand fast in the assertion that, despite its obvious values, Public Law 414 is basically wrong in principle because it continues the spurious and discredited doctrine of racialism or ethnic superiority by its maintenance of the national origins quota. It refines that doctrine by the new formula of the Asia-Pacific triangle.

It should be emphasized, however, that while the Asia-Pacific triangle formula is new, the method of quota by race—rather than country of birth—was initiated when the first repeal of the Chinese exclution acts was made law.

The formula of restricting immigration by quota has no taint of racialism. The original proposition of a quota was the recommendation of the Immigration Commission in 1911 and when the first quota law of 1921 went into effect, it was based on a straight percentage quota on the census of 1910.

The racialism on the theory of the superiority of one nationality over another was put into the law by the national origins formula. This racial theory had been foreshadowed as far back as 1896 when the restrictionists proposed a literacy test as a means of limitation. The late Senator Henry Cabot Lodge, of Massachusetts, in a speech before Congress on March 16, 1896 (56 years ago), advocated a literacy test, because it "will bear most heavily upon Italians, Russians, Poles, Hungarians, Greeks, and Asiatics, and lightly, or not at all, upon English-speaking immigrants or Germans, Scandinavians, or French." He further comments that the specified people who will find difficulty in passing the literacy test "are elements which no thoughtful or patriotic man can wish to see multiplied among the people of the United States."

This is nativism or Nordic superiority in its most outspoken phase. Before the national origins formula was enacted into law, there was extensive and intensive propagandizing on the superiority of Nordics, the nonassimilability of Southern or Eastern Europeans. Books by the dozen, by Madison Grant, William McDougall, Stoddard and others, publicized that now entirely discredited theory. Furthermore, the novelist Kenneth Roberts in his own autobiography explains how he was paid by the Saturday Evening Post to write a series of articles which were openly anti-migrant and pro-Nordic. The law was enacted in the era when isolationism was popular; when the return to normalcy was the political slogan of the hour. To correct this flaw in the law, therefore, requires not a single battle with its author and senatorial proponent, but a long, considered campaign of education to balance at least 23 years of the bland acceptance of a theory so closely akin to that of the Nazi doctrine of Hitler, that we should be ashamed to continue it at all, let alone refine it by elaboration into Asia-Pacific triangles and such.

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An additional clause in the bill which restricts quota migration to 100 for island possessions also falls within the racialist stigma. Specifically, this will cause the most hardship to natives of the British West Indies who have now been waiting a long, long time for quota numbers although there was no numerical restriction. They have waited presumably because there is not enough personnel to handle the cases and also because of the very strong interpretation of the "likely to become a public charge" clause in regard to them. It could justly be claimed that this section is other evidence of the racial bias which has blemished the act.

In the determination of quota to which an immigrant is chargeable, the act appears to have inflicted an undue penalty upon the alien who was born in the United States but who subsequently lost his American citizenship. He, under the law, is to be considered under the quota of the country in which he is a citizen or subject, or the last foreign country in which he is in residence. This not only takes a number in the quota, but it is an unnecessary penalty on persons who, for the most part, lost their citizenship because they were taken to a foreign country when children and conscripted into military service because of the war. A person born in the United States was born in the Western Hemisphere. There appears no legal reason why the law could not be interpreted to grant such a person nonquota status even if he has lost his status as a citizen. Since most of these lost citizenship cases were Italian nationals and many of them used every human effort to assert their American nationality, the artificial assignment to them of places in a tight quota, is evident prejudice against this ethnic group.

While is it impossible to discuss detail as presented by the law, particularly since the regulations which will implement it are still unpublished, it is necessary to discuss the new method of selection, or restriction, in addition to quota which is set up by allocation of quotas under section 203. Fifty percent of all quota is reserved and given priority for persons whose services are determined by the Attorney General to be needed urgently in the United States because of high education, technical training, specialized experience, exceptional ability of such immigrants and to be substantially beneficial prospectively to the national economy, cultural interests or welfare of the United States. However, in order for this allocation of the immigrant visas to be an efficient tool for selectivity there would first of all have to be a desire on the part of Americans to seek the services of such immigrants.

Nothing in the experience of those who were concerned with the displaced-persons program warrants optimism about the desire for placement in America of persons of high learning, and so forth. The IRO carefully classified occupational skills, compiled data on the so-called elite and even had excellent salesmen with case histories, photographs, references, diplomas, and so forth, for the intelligentsia they could suggest for placement. Special agencies labored on the program. Despite all this, Ph. D's are still dishwashing, doctors still scrubbing floors. The study made by Maurice Davie of the refugees who came prior to the displaced persons and numbered about 250,000 in an 11-year period, shows a slightly better average of placement and less downgrading. Since then, many learned profes-

sions—the law, medicine, pharmacy, and so forth—have tightened their regulations for licensing. States have established citizenship as a condition precedent to licensing. It is true that Public Law 414 does not deal with refugees, but it is directed to quota countries, Europe and elsewhere, and, therefore, they would have the language element to face plus the question of transfer of skills from the European economy to the American one. Moreover, there appears to be, neither within the Immigration and Naturalization Service nor in the Consular Service, any body of men trained to know occupational skills or qualified to evaluate who is of high education, specialized experience, and so forth. If 50 percent of available quotas are to be devoted to people who come to the United States because of the occupations which they will pursue, it might appear that the placement of the Immigration and Naturalization Service should be returned to the Department of Labor which presumably would know about labor conditions and what management, industry, and labor desire from Europe. There also is needed a definition as to what is meant by "specialized experience" and "exceptional ability."

Sheepherders, for example, of Basque national origin, are apparently not within this group. Special legislation granting nonquota status to this group has already been passed. The detail of bringing this group here is worth passing mention.

Public Law 414 uses the device of occupational skills as a secondary method to restrict immigration. Such a method has been suggested by some students of migration as a substitute for weighted quotas but not in addition or in any but a small experimental area to see how it works out.

Its use, as set forth in Public Law 414, will cause a virtual moratorium in migration at a time when our national policy sees migration as a part of a program for a peaceful world.

Moreover, Public Law 414 requires that consideration must be given first to this 50 percent of the quota and that applications under this particular allocation are taken in the order in which the petition for the person is filed. On the other hand, persons who come under the preferential quota are taken in order of their priority of registration on quota waiting lists. It seems, therefore, that no only does this new venture get 50 percent of the quota, but that it will wipe out in practice the waiting lists now over-long for different short-quota countries. There is a 5-year waiting list on the Iranian quota. Persons on the Italian quota are now being taken if they registered before June 1949. This new allocation would appear to eliminate all that has been gained by priority in waiting lists. Quota immigrants who remain abroad have already been defrauded of their chance at the quotas by the provisions in the law that take quota numbers for every adjustment of illegal entry and which by the device of mortgaging quotas in advance for displaced persons have frozen some small quotas into oblivion for the lifetime of those now on waiting lists.

The law continues, strengthens, and further sharpens the penalties of the Alien Registration Act of 1940. When one considers that the United States grew and prospered for 143 years before any Congress thought it necessary to make a law to count the aliens and that that period coincided with our period of greatest migration, it makes one

realize why taxes are high. The new penalty of deportation for failure to file an address report, the requirement to carry an alien card and the other penalties for neglect to file an address report are completely alien to the American philosophy of life. One of the things that the displaced persons have found admirable in America is the fact that they do not have to report to police stations and show documentation. This act would tend to make them lose some of their enthusiasm as to our way of life here. Of course, the neglect to fill out an address report is an act mala prohibita and not mala in se. The penalty deportation is a heavier penalty than is exacted for most crimes involving moral turpitude and even if the law specifies that the penalty will not be inflicted unless the failure to register is willful, the adjudication of the nonwillfulness of the act will cost the Government time and money for inspectors, warrants of arrest, hearings, and the like, and it will certainly cause loss of time for working aliens.

When the alien registration law went into effect in 1940, the Government put on a tremendous program to make aliens aware of the law. So far as any comparable program now exists, it has not yet reached radio, the press, or social agencies in this area, although the penalties for nonperformance are much more severe. In regard to the children who came into the United States at earlier than 14 years of age, and upon whose parent or guardian responsibility of registration is placed, I may state that the private social agencies who have handled the orphan children have, to my knowledge, completely ignored this procedure. The law further makes it a misdemeanor for the alien not to have at all times in his personal possession his alien registration receipt card. Does this mean that the aliens who are fighting for us in Korea must carry their alien registration cards on their person, and are there immigration inspectors detailed to check up on this group?

There are, therefore, valid objections to Public Law No. 414 in that it violates the principles for which America stands because it continues and defines a doctrine of racialism which is scientifically out-dated and ethically wrong. It should be condemned also for the things it omits to do. It has no provision whatsoever to help in the relief of the overpopulated parts of Western Europe and the serious refugee problems elsewhere. There is no place in it where there is a single provision which would permit an orphan to enter the United States whether that orphan was or was not adopted by an American citizen. It also totally omits any discretionary power to correct an error made on the part of the Government, but not on the part of the alien. Such errors do exist, and there should be some power within the administration to correct them without the need of a special bill through Congress. Neither does it, except so far as it apparently continues the Board of Immigration Appeals, permit any discretionary power in the treatment of deportation cases. There is no review whatsoever of any consular decisions, and the suggestion often made of a Board of Review in the Consular Service similar to that of the Board of Immigration Appeals has apparently been completely ignored.

This law will, of course, act as a moratorium toward immigration. The 50 percent allocated for special skills, and so forth, will naturally hold up proceedings even if such persons can be found in the small quota countries. It offers no solution whatsoever toward the refugees who are left in Europe nor to the countries like Italy which had never

had the benefit of any appreciable amount of refugee legislation and which have suffered tremendous war damage and in which overpopulation is a grave peril not only to the country itself, but to our hopes for the resistance of the Western World to communism.

All these facts have been brought to the attention of Congress many times. It is to be hoped that our immigration policy may be reassessed in view of our tradition and national ideals. Presumably, the committee which was provided for in this law will report before April 30. Unless there is a critical and interested public to study the recommendations they make, it is idle to hope for a more satisfactory solution than was shown in Public Law 414. The most saddening thing about the passage of that law was not that it was passed, but that the Senators who carried the load of opposition to it practically talked to themselves as did the opponents in the House.

The road ahead, therefore, is not a brief battle, but a long hard campaign to arouse public interest.

The CHAIRMAN. Miss O'Connor, would you for the record describe briefly the Displaced Persons Commission of Massachusetts, how it was created and what it is now doing?

Miss O'CONNOR. The Massachusetts Displaced Persons Commission was appointed by the Governor to assist the Federal Displaced Persons Commission in the placement of displaced persons within the State.

The Massachusetts Displaced Persons Commission didn't fill out any assurances, but we have helped displaced persons and people who have come here in their adjustment here. We have helped them with the reports they have to make, to take out their first papers, handle complaints, and so forth. We have done it with very little money. It has been an unpaid thing. The Governor has provided the use of a telephone and one stenographer, which we have until June. It has been entirely an appointed body, appointed by the Governor, of people either interested in the displaced persons because they were interested in the refugees or in a national or ethnic group, or because they had some interest in seeing that newcomers didn't get pushed around.

The CHAIRMAN. How many members are on your State commission?

Miss O'CONNOR. Seven. They will continue through the calendar year.

The CHAIRMAN. How has the program turned out in Massachusetts?

Miss O'CONNOR. I think that of about 5,000 displaced persons who have come here, the great majority of them have succeeded in material success, in the sense that they now own an electric washing machine or an ice chest, and they have a flat in which there is furniture, and they don't have to sleep on the floor. Some of them have come up in earnings from $30 a month to $65 a week. Materially they have prospered. Spiritually they have prospered, too, because the first thing that they all seem to do is connect themselves with the church of their own faith, and they seem to be very anxious to build and to get into the particular church for their needs.

Of course there have been failures. Some of the failures are due to the person themselves, some are due to conditions they couldn't control. But by and large there has been far more success than failure, and very much more has been contributed to the State than we have spent in doing anything for them.

I think they have been about as fine a group of immigrants as I have seen, and I must say that I have been in this work for 34 years, so I have seen a great many different groups of newcomers, and it would seem to me you have fine material, excellent character, and a will to succeed in this group.

The CHAIRMAN. Thank you very much.

Congressman Kennedy is here now to appear before us with his views on this subject.

STATEMENT OF HON. JOHN F. KENNEDY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Representative KENNEDY. I am John F. Kennedy, Representative from the Eleventh Congressional District of the State of Massachusetts in the United States House of Representatives.

I have a statement I should wish to read.

The CHAIRMAN. The Commission will be glad to hear you, Congressman Kennedy.

Representative KENNEDY. I am grateful for the opportunity to appear before this committee which is performing the vital task of reexamining our country's immigration policy.

America was built by immigrants—men and women who came to these shores because they were the victims of persecution. Men and women who came to these shores in search of religious freedom.

There was until 1920 relatively little limitation on immigration. It was a reasonable conclusion at that time that some limitation was necessary. Unrestricted immigration was rapidly resulting in unsettled employment conditions, and seriously threatening the standard of living of our working men and women.

World War II, the ever present Communist danger; the increase in our population, the technological advances which we have made, and the increased productivity of our farms and industries have changed the picture which existed in the twenties.

Now it is almost universally recognized that the United States can absorb a substantial number of immigrants each year. No longer does labor fear that the immigrant will cause unemployment or a lower wage. We have substantial labor shortages in a number of fields.

The present limit of 154,000 immigrants is but one-tenth of 1 percent of our present population.

I have already called for, and I respectfully hope this Commission will also endorse a bill which calls for the issuance in the next 3 years of 300,000 special nonquota immigration visas to nationals and refugees of certain European countries.

This would authorize the admission, among others, of 117,000 Italians, 22,000 Greeks.

I hope the Commission will agree that such a measure would represent a significant aid to one of Europe's most pressing problems, overpopulation in some countries, and would be a shining example of constructive leadership by our country.

We are the leader of the free world and as such, other countries are looking to us and will follow our example.

The example, however, we have set in passing the McCarran-Walter Immigration Act is unfortunate. This bill is un-American and dis-

criminatory. It virtually freezes immigration from Eastern and Southern Europe and the Mediterranean area, and sets up barriers which did not formerly exist; and, in addition, it places new barriers in the path of those from the Caribbean area.

Specifically, there are these principles and provisions, among others, which should be changed.

The quota system adopted by this legislation is not based on the merits of the applicant for entry but on his nationality. This principle of national origin constitutes an unjustified application to foreigners of a philosophy we specifically condemn by legislation such as FEPC for our own citizens.

Not content with that basis of quotas, its proponents have fixed the quotas on a United States white population of 94 million taken from the census of 1920. When this figure is broken down to percentages determined by foreign ancestry, it successfully restricts immigration from Southern and Eastern Europe.

Application of this formula when coupled with the restrictive provisions adopted in 1929 operates to permit entry of only 154,000 immigrants a year. Of that number, for example, 65,361 are permitted to enter from Britain, only 5,645 from Italy.

Italy with its entire population crowded into an area no larger than the State of California can hope for no appreciative help from this law in helping to solve what is obviously one of its major problems. This is obvious discrimination against a specific racial group. It is a conspicuous example of the unfairness of the use of the system of national origins.

Instead of this system we should adopt some quota based on an appropriate numerical total adapted to current needs both here and abroad. Within such a total we should establish priorities and preferences based on many factors aside from nationality, such as character, background, and special skills.

In addition, I urge the Commission to adopt the principle that unused quotas are transferable. Britain, for example, generally uses less than 10 percent of its quota and yet it and Northern Ireland receive over 40 percent of the total available places. In the years 1930 to 1948, moreover, 2,151,372 quota numbers were wasted—quota numbers which could have been used by deserving citizens of Italy, Poland, Portugal, Greece, Lithuania, and other European countries. If Britain's unused quota alone should be transferred to those countries whose quotas were exhausted, it would enable, even under our present law, more than 60,000 immigrants to enter the United States. I urge, furthermore, abolition of the 1920 census figures as the basis for determining the number of entrants. If we decide to base any of our figures on population we should at least use the latest census figures.

The operation of the Displaced Persons Act militates against fairness in application of our immigration laws.

Future quotas of many countries were used up in order to admit displaced persons, many of whom were fleeing from the Soviet. Some were used up for as much as 140 years. For instance, no Lithuanian can come to this country before 2087, no Latvian before 2074, and not one Pole before 1999.

Finally, it would appear that at least five additional factors should receive serious consideration. Summarized briefly they are:

1. Preference should be given to those immigrants who are a part of a family unit already residing in the United States.

2. Preference should be given to refugees who are persecuted for their opposition to totalitarian regimes.

3. Safeguards to protect us from any possible communistic or other subversive infiltration should be maintained as well as exclusion on grounds of health and morals.

4. Provide a less technical and less expensive method of review. This will prevent possible capricious action by administrative officials. A second look at man's case is fundamental to our system of justice.

5. Provide a uniform method of review from a consul's decision. There has been much confusion as to the method of appeal from denial of a visa. An immigrant should not be obliged to retain a lawyer to wade through a maze of technical difficulties.

In conclusion may I express the fervent hope that this Commission will take a positive forward-looking step toward a new and enlightened immigration policy which will serve before all the world as a bright example of American democracy at work.

I am very grateful to the Commission for the opportunity to testify before them this morning.

Mr. ROSENFIELD. Congressman, you remarked in your statement that there are "substantial labor shortages in a number of fields." Do you consider that labor might be affected adversely through additional immigration by means of increasing, or using unused, quotas?

Representative KENNEDY. Of course, we do have a tremendous high level of Nation-wide employment, even though we in New England suffer from such serious unemployment in the textile and shoe industries, which is due principally to dislocation. As a Nation we do have high employment and we do have it in special categories where these immigrants could fit. Of course, that is a pressing fear with many and it must be taken into consideration in judging how many immigrants we can afford to admit a year.

The CHAIRMAN. Have you any particular ideas as to the number which could be admitted to the country annually and absorbed in the labor market?

Representative KENNEDY. No, I don't. I suppose it would really depend on the extent of unemployment. Whether you could use a sliding scale or not, I wouldn't be in a position to say. I think there is more than the question of number. I think it is where the number should be assigned. We already have a reasonable number that can be admitted. Of course, my feeling is that it is not apportioned fairly. I think that is important. Even if we should not decide to increase the number each year we should make sure the number of people who do come to the United States are apportioned on a fair basis and not on a basis that is antiquated and favors some nations over some others whose problems are more pressing. Obviously, with Great Britain enjoying a large quota number it hardly uses since she sends people instead to a large number of countries in its commonwealth where they are anxious to receive them, such as Australia, while Italy is suffering from a major problem of overpopulation, we should certainly consider reassigning or reapportioning the immigration quotas. Whether we should increase the number by a great many is something the Commission will have to study.

The CHAIRMAN. In view of your criticism of the national-origins quota system, a criticism which has similarly been expressed by some other Members of the Congress who have testified, how do you account for the fact that this act was passed over the President's veto?

Representative KENNEDY. We are not always right in the House. We passed a lot of bills over the President's veto which I consider to be unfortunate. Merely because the House takes favorable action on a bill, even by a two-thirds majority, does not mean that they were wiser than the President. In this case I think the President was wiser. In addition, the composition of the House in some ways would not be as concerned about the inequities of the McCarran-Walter bill as some of us who come from areas of the country which have large immigrant groups and large groups which are of immigrant extraction. I think those two factors are combined in this case.

I think it is obvious that we on the Eastern seaboard are more interested in that provision of the law. A lot of the immigrant groups have settled in the Eastern United States, and we are probably more conscious and concerned about the inequities of the present system.

As I say, even more important than increasing the number, we should be considered with the way the number is apportioned. And I think it is obviously unfair due to our present problems and the present problems of Asia. It seems to me the House acted in very bad judgment.

The CHAIRMAN. Some of those who have come before the Commission already have suggested that the unused quotas be distributed among those countries where there is a pressing demand for migration to this country. Do you think that ought to be considered?

Representative KENNEDY. Yes; I think that is one of the solutions, maybe not the best but perhaps the most practicable. If we decided we could accept this number each year I think it is only fair we should accept them. Once again I go back to the case of the British in comparison to Portugal or Greece, which are being discriminated against in relation to Britain, when the British do not have a problem approaching that of the other countries. It doesn't seem to me we should take advantage of the situation of 1920 which goes back to an early period of history in our country. That should be a major source of concern in our country.

Commissioner O'GRADY. What effect, if any, does our present quota system have on our foreign policy and mutual-aid programs, especially, with reference to countries like Greece and Italy?

Representative KENNEDY. I am sure it must be difficult for the Italians to understand why their country has a quota less than one-tenth that of Great Britain, when especially Great Britain's quota is unused and they, the Italians, have people by the hundreds and thousands who want to leave and come over here. An important part of our foreign policy is to equalize, and, of course, the second point is that we are not in the position ourselves to solve the immigration problems of Italy or Greece, but by adopting a fairer and more equitable method ourselves we can set an example for other countries and persuade them to adopt a juster policy for those who desire to come. I think the practical help we can give is in our example to others.

The CHAIRMAN. Thank you, Congressman Kennedy.

Senator Lodge, you are the next witness.

STATEMENT OF HON. HENRY CABOT LODGE, JR., A SENATOR IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Senator LODGE. I am Henry Cabot Lodge, Jr., United States Senator from the State of Massachusetts, and my home is in Beverly, Mass.

The CHAIRMAN. Thank you, Senator. The Commission will be glad to hear from you.

Senator LODGE. Mr. Chairman, and gentlemen, I appreciate the opportunity to appear here today to make a brief statement concerning one aspect of our immigration policy which I know is of profound interest to you, and also is of profound concern to a great many people here in Massachusetts—and which is of profound importance to the whole of the American people, whether they know it or not.

I refer to the so-called national-origins quota system, the perpetuation of which is perhaps the most notorious feature of the recently enacted McCarran-Walter Immigration Act. It was this unjust and discriminatory continuation of the national-origins quota system which compelled me to vote to send the McCarran Act back to committee and, when this failed, to vote for the much fairer Lehman-Humphrey substitute bill. I was also recorded, of course, as supporting the President's veto of the McCarran bill in the closing days of the last session of Congress.

I had what was known as a "live pair." In other words, the two people, the two Senators who would have voted to override the President would have been there if I hadn't had the pair. So let's get that point cleared up once and for all. There has been too much propaganda about that.

I regard the national-origins quota system as repugnant to many millions of Americans and contrary to the best interests of the United States. Take, as just one example, what this measure means to the people of Italy. The McCarran Act prepetuates against the Italians all the injustices originally included in the Quota Act of 1924 and the national-origins formula adopted in 1929, designed to bar from this country people born in Southern and Eastern Europe. How the National Quota Act worked out can be seen in the case of Italy. For the period from 1900 to 1910, Italian immigration amounted to 2,044,877, or an average of over 200,000 a year. By the act of 1921, it was reduced to 42,000 a year. Under the national-origins legislation it was further reduced to 5,800 a year. The national-origins concept has fastened into our immigration laws the vicious and odious fallacy that the peoples of Southern and Eastern Europe are somehow inferior to their neighbors in other areas of Europe. It is nothing short of incredible that we should again have enacted into law such a slur on the patriotism, the capacity, and the decency of a large number of our citizenry.

What has been said about Italy might also be said with equal truth about Greece, Austria, Hungary, Poland, Yugoslavia, and I think Portugal.

Our national strength here in America, our prosperity, our advance in the arts, sciences, and professions; our progress in industry, our spiritual leadership, our military genius—in fact, our progress in every other worth-while human endeavor—none of these is the product exclusively of one racial or national strain or of one religious

faith. We in the United States have grown strong because of the flow of sturdy immigrants who with their descendants have brought strength and prosperity and security to this country. Every race, every nationality, has contributed to the welfare and the strength of our country. They have discharged all the duties of citizenship—including the highest duty of all, which is to bear arms in the defense of their country.

When we want allies to fight side by side with us against communism, we welcome Italians, Greeks and Turks, and people from Southern and Eastern Europe. The descendants of immigrants from these countries win our highest decorations for bravery in combat. But when we revise our immigration policy, we in effect tell these peoples that they are not the stuff of which red-blooded Americans are made.

It is my earnest hope that in the next Congress aggressive steps will be taken to revise completely this racist, restrictionist and reactionary piece of legislation. The hands of those who will work for this objective will greatly be strengthened if your Commission prepares detailed, objective, and constructive recommendations for the improvement of the whole concept of our immigration policy. This could indeed be a public service of the highest order.

Let me just add, Mr. Chairman, that in the last 3 weeks three things have happened in my own personal experience to illustrate the point I make.

I attended a meeting the other night in honor of a young man whose parents were both born in Italy. He is a wonderfully bright fellow to represent America. He got the highest marks ever received in Harvard, all the time he was there. Now, is a boy like that an asset to the United States of America? I am not talking about justice to Italy. I am talking about the advantages to the whole of the American people.

There is another boy who got the Distinguished Service Cross for flying over Korea. It is that kind of boy who is an asset to the United States.

We dedicated a park in Beverly in honor of a young corporal of Italian descent, and several gentlemen from the Marine Corps in Washington came up to award posthumously the Congressional Medal of Honor to his father and mother and his incredible bravery made you proud to be a member of the human race.

I say now that it is absolute folly not to let people like that come to America, not only from the standpoint of those people but from the standpoint of the best interests of the United States.

Mr. Chairman, that concludes my statement.

The CHAIRMAN. In view of your criticism of this act, which is similar to criticism that has been expressed by other Members of Congress who have testified, how would you explain the action of the Congress in passing this legislation over the President's veto?

Senator LODGE. Well, you are asking me to go into the motives of the House and Senate, and I am delighted to try to do it.

I think in this particular case, insofar as an enlightened immigration policy is concerned, the attitude of the average Dixiecrat, let's say, springs from ignorance. I just think they don't understand the contributions the people of the different countries make and have made

to America, and I think they don't understand what it is that America is all about because the thing that makes America is the Declaration of Independence and the belief in the idea of all men being created equal, and the divine nature of man and the brotherhood of man. America isn't television sets and skyscrapers and it isn't any particular race.

Now, in some sections of the country that isn't understood. They have an idea in their mind of a monolithic state in which everybody does everything exactly alike. There is nothing un-American about speaking a foreign language. There is nothing un-American about going to a nonpublic school. Our country is not a monolithic country in which everybody is supposed to be alike. Our country is like a structure of many stones of many different shapes bound by cement. We are a country of many different nationalities cemented by the belief in the brotherhood of man and the common need of an ideal. That isn't understood in every section of the country. Many Congressmen and Senators are reflecting the ignorance of their constituents.

Mr. ROSENFIELD. As a distinguished member of the Foreign Relations Committee of the Senate, would you care to enlighten this Commission as to some of the important international impacts, if any, of our immigration law?

Senator LODGE. Of course, it has a tremendous international impact. You don't convince foreign nations of your good faith and of your regard for them if you treat some of them on an inferior basis from others. It stands to reason that you don't.

I don't think you try to make yourself popular with the Marshall plan because I don't think you can buy friendship. What we were trying to do was make some of these nations strong in order that they could defend themselves. You don't make nations strong if you imply by your actions in immigration laws that you don't consider them to be equal peoples. I think it does our foreign relations great harm. I think it is on a parallel with our failure to enact civil-rights legislation. Our failure to do that causes our foreign relations great harm. It isn't just harm to the individual, although that is true too, but our failure to do that causes people all through the world, where the civil rights issue is dominant, to wonder about our sincerity.

Commissioner FISHER. If unused quotas were to be made available only on a European basis, what in your judgment, would be the effect on the Middle East and other areas?

Senator LODGE. I mentioned Italy.

The CHAIRMAN. But doesn't that have a European versus non-European flavor, which is a thing we have to face in the United Nations every day?

Senator LODGE. I certainly do think so. It is a dilemma that everybody faces. My offhand answer is that the situation in Italy is so obviously different from that which exists in India. The relief of the surplus population in Italy would probably provide you such immediately happy results that I think one would be justified in saying that that was on a different footing. But you are not going to stop the protests from India, because I was at the United Nations 2 years ago——

The CHAIRMAN. Are you saying that there are emergency situations that might be dealt with distinctly from a long-range immigration policy for the United States?

Senator LODGE. Not only that. That is true. But I think that the nations that have supported our policies and stood with us are entitled to some consideration. Now Italy is in the North Atlantic Pact and Italy is setting up an army of which the military experts speak very highly. On the other hand when the fighting began in Korea, a nation like India, which could have made substantial contributions of troops, didn't do so. You can't overlook things like that.

Mr. ROSENFIELD. If you pursue that point, Senator, is not India the crucial point in the war for minds of men in the Far East so that there are different considerations, each in its own realm, important to the United States foreign policy?

Senator LODGE. That is true. Of course you ought to remember two wrongs don't make a right. I am not for engaging in anything punitive with regard to India. In the field of foreign policy we have an obligation toward Italy that we haven't got toward India.

The CHAIRMAN. Thank you very much, Senator.

Senator LODGE. Thank you.

The CHAIRMAN. Prof. Oscar Handlin.

STATEMENT OF PROF. OSCAR HANDLIN, ASSOCIATE PROFESSOR OF HISTORY, HARVARD UNIVERSITY

Professor HANDLIN. I am Oscar Handlin, associate professor of history at Harvard University, Cambridge, Mass.

I have studied the subject of immigration for some 16 years and have written extensively on it. I have a prepared statement I should like to read to the Commission. The conclusions that I will attempt to present here in rather summary form I shall document more fully if the Commission should so desire.

The CHAIRMAN. We will be pleased to hear your statement.

Professor HANDLIN. I wish in these comments to address myself to one aspect of the President's mandate to the Commission, namely to the place of the national-origins quota in the American immigration system. I believe that device embodied in the laws of 1921 and 1924 and reaffirmed this year in the McCarran-Walter Act, is incongruous with the present needs, interests, and aspirations of the American people. I believe it stands in the way of enactment of a realistic immigration code that might further the domestic and foreign objectives of the United States. I believe that, without that device, a more effective mode of selection might be devised along principles already recognized in our legislation. I may say, I have reached these conclusions after 16 years of study and writing on the subject.

In presenting these views I wish to emphasize the degree to which our situation now differs from that of the early 1920's when the quota system was devised. We do not now hold the views then prevalent as to the nature of our country's social and economic order or as to America's proper place in the world. The national-origins quota is anachronistic because the assumptions on which it rested are anachronistic.

The framers of the legislation of 1921–24, assumed that mankind was divided into biologically distinct races capable of mingling with one another only within very narrow limits. It was argued that the traditional American policy of free immigration had been appropriate

in an era in which the bulk of immigration originated in the Nordic countries of Northern and Western Europe, because Englishmen and Germans were close kin of the original Anglo-Saxons and therefore easily Americanized. But the new immigration from Southern and Eastern Europe brought to our shores people who were racially different, and inferior, and therefore became Americanized only with difficulty.

Such arguments were supported by reference to the difficulties new immigrants encountered in the course of their adjustment. People like the Italians, the Greeks, and the Poles, it was claimed, were more inclined than the old immigrants or then the native stock, to be illiterate, paupers, criminals, diseased, and the source of corruption in politics. Among the new immigrants, it was said, were a disproportionate number of anarchists and other disaffected individuals likely to be subversive of the American Government. It was on the basis of such arguments that the quota system favored the countries of Northern and Western Europe over those of Eastern and Southern Europe.

It will not be necessary here to refute the racist basis of these contentions. We have come a long way in the last 30 years and no reputable scientist now holds the views such men as Madison Grant once made current. I wish instead to emphasis the extent to which our own social experience in the last 30 years has demonstrated the falsity of the arguments I have just summarized. We have, after all, lived for more than three decades with these "subhumans"; and we have not found them wanting as men or as citizens. The successive investigations of education, of crimes, pauperism, housing, and intemperance have revealed that defects in the social environment rather than national origin is the determining factor in these social disorders. The children of the new immigrants have become as respectably American as those of the old. Two wars have tested the American descendents of the new immigrants; and I know of no evidence that they gave less than their share in loyalty and in sacrifices.

In sum, it seems to me, the distinction between the old and the new immigrants was invalid; the latter have proved themselves as capable of becoming Americans as the former. Any presumption therefore that the nations of northwestern Europe ought to receive larger quotas than those of southeastern Europe because their emigrants were more readily Americanized is unjustified by our own experience.

Indeed I would go further. I see no evidence that the specific qualities of an immigrant's racial or cultural heritage do much either to advance or to retard his adjustment to American institutions and the American environment. Rather, the success of that adjustment would seem to depend upon the extent to which opportunities were open to the newcomers and the time available to them to take advantage of those opportunities. For example, the Armenians, the Syrians, and the other near eastern folk who reached the United States at the beginning of this century were undoubtedly more alien to American language, customs, and culture when they arrived than were the immigrants from the British Isles. But the passage of time has effaced that original difference; and the one group has supplied us with as worthy citizens as the other.

The evidence of our own experience thus destroys the argument that has sometimes been used in defense of the national-origins quota,

the argument that the system aims simply to perpetuate the existing distribution of racial stocks in the United States in order to ease the problems of assimilation. Those problems arise not from the traits the immigrants bring with them but from the conditions they meet here.

Furthermore, without questioning the sincerity of those who use this argument, it must be pointed out, that the quotas themselves reveal no intention to preserve the existing distribution of population; they reveal rather a desire to revert to some former distribution. The act of 1924 thus pushed the temporary base year back to 1890 and emphasized disproportionately the population distribution of 1790. And, significantly the McCarran-Walter Act of this year did not seize the opportunity revision afforded to advance the base year to 1950 as it might easily have done.

In its persistence, as in its origins, I cannot regard the national-origins quota in any other light than as an unfavorable judgment of the ability of the new immigrants to be Americanized. This unmerited slur upon a large and worthy segment of our population serves no useful function and ought to disappear from our statute books.

Particularly it stands in the way of a realistic policy gaged to our present needs and interests. The framers of the quota system had in mind a world of free movement; their task, they thought, was to build a dam to hold back the onrushing tide.

The world familiar to the men of 1920 has, however, disappeared; and it is only confusing the issue to imagine that the alternative to our present restrictions is a restoration of the kind of immigration we knew before the First World War. Even had we no regulations, the volume of the flow would not rise to its old levels, for we no longer live in the old world of free movement. The governments of large parts of the world deny their citizens the right of exit. In most European nations a variety of social and economic laws tend to hold people where they are. And the costs of transportation have mounted so rapidly that only a small proporton of potential emigrants could ever afford the expense of making the crossing.

We must therefore think of future policy not in terms of the old mass migrations, undertaken without direction or guidance, on their own, by hundreds of thousands of individuals. Whatever the limits we set upon it the immigration of the future will involve much smaller numbers, and it will consist largely of persons sponsored by families or by American philanthropic organizations and brought across under carefully planned conditions.

Viewed in this perspective, how can immigration affect the needs and interests of the United States? Here, too, the contrast between our own conditions and those of 1920 is illuminating. The old law came within a context of beliefs on the nature of the American economy that are no longer widely held. The men who enacted that law had lost confidence in our capacity to expand. Again and again they stated that immigration had been tolerable or useful in an earlier era when free land was still available. But, they warned, we had reached the limits of our resources, the frontier was closed, and further immigration would lead inevitably to overpopulation, unemployment, and the degradation of the conditions of labor.

The experience of the past three decades has been instructive. Far from declining, our productivity has expanded at an unprecedented

pace in both industry and agriculture. During these years of relatively slight immigration, we have had periods of prosperity and periods of depression; we have seen unemployment rise to the neighborhood of 10 million, and then virtually disappear; labor's standard of living has fallen and then risen again. None of these fluctuations since 1920 was remotely connected with immigration.

That should lead us to regard skeptically the argument that there was ever a connection between immigration, and depressions, unemployment and the conditions of labor. In the past, unemployment varied not with the volume of immigration but with the business cycle; the conditions of labor depended not on the number of newcomers, but on labor's ability to organize and to protect its own interests. So too, in the future, I cannot see how immigration, in any practical sense, will affect the rate of unemployment in the labor force of over 60 million; and, given the continued vigilance of our labor unions, I do not fear that the addition of a limited number of new hands in any segment of our economy will drive down the rates of pay.

On the other hand, we can and ought to take advantage of the possibility of profiting from immigration. Certainly in the past 10 years, we have suffered from shortages of particular kinds of labor in various parts of the country. I do not mean to argue that immigration was the only way in which those shortages could be relieved. But I would argue that immigration was a convenient, expeditious, and cheap way of doing so, and one in accord with the traditional ideals of our country.

So, too, with our future population policy. I do not believe it inevitable that our population will begin to decline in the near future. But given present factors and a persistently declining native birth rate, I believe it highly probable our population will shortly level off and then begin to fall. That would have serious domestic repercussions and might actually affect our security in a world in which powers hostile to us continue to increase their population.

Again, I do not believe immigration to be the only way of counteracting the influence of a falling birth rate. But I do believe this a convenient and expeditious way of doing so. A moderate flow of newcomers, regulated in terms of our changing needs, would add social and economic strength to our Nation.

The national-origins-quota system does not give us such a flow. It is rigid, maintaining the same fixed limits from year to year, whatever our needs. And it dissipates well over half the available places earmarked for countries which no longer produce any substantial number of immigrants.

Finally, I wish to refer to the relationship of immigration policy to our changing place in the world. The quota system was enacted by the same legislators who rejected the League of Nations and it had the support of the public opinion that through the 1920's also favored American withdrawal from world politics. All these measures were aspects of a common urge, understandable in the light of the disappointments of the war and the peace, but unrealistic in terms of our future. That urge was to withdraw from all contacts with the evil world beyond our borders. The immigrants who carried that foreign world to our own shores, from this viewpoint, threatened our isolation.

Certainly, it would be foolhardy to take those old dead dreams as our vision of the future. We are totally and inextricably involved

with the politics of the whole world; and the welfare and opinions of many strange peoples from Korea in the West to Turkey in the East is our immediate direct concern. We need only look at our foreign-aid budget to know how important to us is the prosperity of Greece and Italy. If our immigration policy can, in the least measure, assist those countries in dealing with the problems of displacement and recovery, we would be shortsighted in the extreme to allow ancient prejudices to stand in our way.

More important. We are engaged throughout the world in a struggle for allies against a shrewd and ruthless enemy who does not hesitate to make millenial promises. In this contest for the control of opinions we enjoy an initial advantage derived from the reputation we earned as the mother of republics, the light of liberty, and the refuge of the oppressed throughout the world. We must not waste that advantage.

The quota system was, in its origins, and remains now, a reflection the earth in an order of national origins it informs them that some are more fit to become Americans than others. And that raises an uneasy question in their minds: Is our belief in democracy coupled with the reservation that it is workable only in favored climes and in the hands of favored men or is this a way of life open to all?

The quota system was, in its origins, and remain now, a reflection upon the Americanism of many of our own citizens; it stands in the way of a rational consideration of the present utility of immigration; and it is an unnecessary burden in our dealings with the rest of the world. I urge upon the Commission the desirability of examining the possibility of its elimination. The present law already contains indications of how total numbers could be limited and selections made in other ways. Without the national-origins quota, these could more effectively serve our needs and implement our ideals.

The CHAIRMAN. Thank you very much.

Mr. ROSENFIELD. I would like to pursue for a moment, Professor Handlin, two points you made. First, with regard to your general anthropological assumption of the quota system as to assimilability of various groups within the broad politics of the United States, are you aware of any more recent studies than the 1910 and 1920 studies that went into the biological and anthropological assumptions?

Professor HANDLIN. Yes. If you will allow me to do so, however, I think it would be worth calling to the attention of the Commission certain defects in the report of the Immigration Commission that was presented in 1911 and did a great deal to influence the opinion entered as to the formulation of this law. That report was presented in 42 volumes. I don't suppose many people living today have read those 42 volumes. I have. The report of the Commission was summarized for the Congress in two supplementary volumes and I shall simply emphasize here that those summary volumes were not at all summaries of the report of the Commission. Their conclusions on many important subjects ran directly counter to the evidence that is contained in the reports of the Commission itself. For instance, on the subject of illiteracy, the body of the Commission's report revealed no reliable correlation between the degree of illiteracy and the differential of old and new immigration; but the summary volume went ahead and

reported as if the findings did so provide a difference between the old and the new immigration.

Furthermore, the report of the Commission rested upon a certain scheme of anthropological classification. I find no present scientific support for the discarded certain anthropological data in the body of the report itself that ran counter to its conclusion.

I make this point because these very substantial 42 volumes have often been taken as a "bible" on this subject. They have not to my knowledge been seriously reexamined by anyone else in the last 40 years, and I think the conclusions in those volumes are open very seriously to question throughout.

Mr. ROSENFIELD. The Commission would be glad to get any comments on what you referred to as the old "bible" of 1910, if you could afford us the privilege of your comments on that material, since you have studied it. It would be extremely helpful for the Commission to have your comments on the report of the Commission of 1907 as well as on the underlying concepts and justifications of the national origins system.

Professor HANDLIN. I shall be happy to provide that material in a written memorandum. In addition, there has been a long list of community studies of varying localities that have examined the adjustments of various ethnic groups and have looked into such questions as literacy, amount of education, commercial standing, and so on.

I have in mind, for instance, a very long and extensive study of the city of New Bridgeport, Mass. That was published some 4 or 5 years ago by Yale University Press, under the title "Yankee City Series." I find in the results of that study no correlation between this division and the division as to old and new immigrants, and the actual experience of immigrants or their children in the city of New Bridgeport. That is, if you range the ethnic groups according to age, literacy, and prosperity. You find differences. Some better than others and some higher than others. But that list did not correspond in any way with the kind of distinctions that are recognized in the quota law. That is, the people highest on those lists of achievements were not necessarily the people highest in the immigration quota. Nor were the same groups highest in all the various lists. These conclusions are reaffirmed.

They were reaffirmed and similarly stated in a study of Greenwich Village. That was under Tanby Caroline Webb 15 years ago. I could supply you again with a list of comparable studies.

Mr. ROSENFIELD. The Commission would be very grateful if you will furnish that.

Commissioner O'GRADY. What do you consider the role of the universities can be today in making known such facts as you have described?

Professor HANDLIN. First is research, which is study and which I broached to you earlier. That is, the whole problem has been obscurred perhaps necessarily by prejudices or bitter feelings, and it seems to me the university is one of the places in which the actual effects of policy can be examined with some detachment and, I trust, that the kinds of research we carry forth will provide facts and the insights that will enable policy-making bodies to act appropriately.

In the second place, I think of the function of the university in this

connection in a more directly educational way. That is, in spreading these facts and information and giving at least a small element of our own population an awareness of the nature of their past, the part that immigration played in it and the potentialities it has for the future.

I may say that at Harvard, which is by no means a university infiltrated excessively by new immigrants, the course I offer in history attracts an undergraduate student body of almost 200. This seems to me to be an indication of—now that a quarter of a century has gone by and some of all the bitterness has been decayed or eliminated, although not all of it—the fact that increasingly our own people are becoming aware of what is involved in the subject and of its own importance.

As I said recently in print, I think the McCarran-Walter Act, which I regard as an unfortunate act in all but a few respects, was only the beginning of a process of rethinking of our immigration needs and our policy toward this process.

The CHAIRMAN. Thank you very much, Professor.

(The memorandum referred to above and provided by Professor Handlin appears in appendix: Special Studies.)

STATEMENT SUBMITTED BY REV. SAMUEL TYLER, JR., EPISCOPAL TRINITY CHURCH, BOSTON, MASS.

Mr. ROSENFIELD. Mr. Chairman, I should like to insert in the record at this point telegrams sent to the Commission by two witnesses who are unable to testify in person, Rev. Samuel Tyler, Jr., and Congressman Christian A. Herter.

The CHAIRMAN. That may be done.

(The telegram from Rev. Samuel Tyler, Jr., Episcopal Trinity Church, Boston, is as follows:)

CHAIRMAN, THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Federal Courthouse, Post Office Building, Boston, Mass.:

Very sorry, but impossible to be present at hearing this morning. Our committee which has resettled 1,100 displaced persons in last 2 years, strongly urges passage of emergency legislation to enable those displaced persons remaining in Europe to come to this country following the President's recommendation of 100,000 a year for the next 3 years.

REV. SAMUEL TYLER, JR.

STATEMENT SUBMITTED BY HON. CHRISTIAN A. HERTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

(The telegram from Congressman Christian A. Herter, 73 Tremont Street, Boston, Mass., a Representative in the United States Congress, is as follows:)

PHILIP B. PERLMAN,
Chairman, President's Commission on Immigration and Naturalization, Federal Building, Boston, Mass.:

Please record me in favor of revising the McCarran Act. My reason for voting to sustain the President's veto was because sections of this law definitely discriminate against worthy immigrants from Greece, Italy, and other southern European countries, as well as Jamaica and other West Indian areas. The progressive features as to providing for the admission of immigrants from Asiatic nations should be retained.

Congressman CHRISTIAN A. HERTER,
73 Tremont Street, Boston, Mass.

The CHAIRMAN. Rabbi Judah Nadich.

STATEMENT OF RABBI JUDAH NADICH, REPRESENTING THE JEWISH COMMUNITY COUNCIL OF METROPOLITAN BOSTON AND 10 OTHER ORGANIZATIONS LISTED IN PREPARED STATEMENT

Rabbi NADICH. I am Rabbi Judah Nadich, 12 Royal Road, Brookline, Mass. I appear here in behalf of the Jewish Community Council of Metropolitan Boston and 10 other organizations which are listed in my prepared statement which I should like to read to the Commission.

The CHAIRMAN. You may proceed.

Rabbi NADICH. Mr. Chairman and members of the Commission, I appear before you today in behalf of the Jewish Community Council of Metropolitan Boston; the Boston Chapter of the American Jewish Committee; New England Region, American Jewish Congress; New England Region, Anti-Defamation League of B'nai B'rith; Hebrew Immigrant Aid Society; Boston Section, Jewish Labor Committee; Department of Massachusetts, Jewish War Veterans; Bridgeport, Conn., Jewish Community Council; Connecticut Jewish Community Relations Council; Hartford, Conn., Jewish Federation and the New Haven, Conn., Jewish Community Council.

One of the prime purposes of all of these organizations is to help maintain the dignity and integrity of Jewish life. We who are Jews in America find it considerably easier to work for that ideal in the healthy democratic sunlight of the United States than do many of our fellow Jews in those countries recently enslaved by Hitler and now locked in the totalitarian grip of Stalin. Through our age-old devotion to the principles of social justice set forth in the Bible and developed throughout Jewish tradition as well as through our fidelity to American concepts, we are naturally zealous in championing the cause of self-respecting immigrants everywhere.

In this era when perhaps 1 in every 10 of the world's inhabitants has been uprooted, our people—decimated by mass murder and driven from their homes by war, political oppression, and racial and religious abuse—are well qualified to testify regarding immigration policies.

American society is a complex amalgamation of ethnic and national types. It has been sustained by the principle of cultural democracy. We assume traditionally that each American group, whatever its antecedents, makes a distinctive contribution to the common enterprise which it thus replenishes and enriches.

The United States throughout most of its history has profited from the entry of oppressed, zealous, self-respecting, and energetic immigrants. They have lent enormous vitality, creativity, and spontaneity to the total culture. Our population grew apace with our technology and the exploitation of our diverse spiritual and material resources which combined to make this country a formidable world power. Meanwhile, free and virtually unlimited immigration proceeded from the crest of one wave to that of another until a peak was reached in the mid and late nineteenth century.

Following World War I, the waves receded. By 1924, they were reduced to a trickle. The immigration act of that year established a national-origins-quota system which was increasingly repugnant to thoughtful citizens as they came to understand its implications. On June 25, 1952, President Truman vetoed an omnibus bill, H. R. 5678,

the proposed Immigration and Nationality Act (which subsequently was passed over his veto by a Senatorial margin of two votes).

Sponsors of that bill sought to perpetuate and extend the national-origins-quota system. In his veto message the President voiced expert and informed opinion when he asserted that this system was "always based upon assumptions at variance with our American ideals" and that it "is long since out of date and more than ever unrealistic in the face of present world conditions."

Any quota was an innovation in the United States 30 years ago, but by now the discriminatory quota is so often taken for granted that it has become a sacred cow. Present-day Americans who have forgotten their non-American forbears, although they may not be more than a generation or two removed from them, occasionally agitate for a complete end to immigration. More often they are willing to settle for a continuation of the present screening method which underwrites Anglo-Saxon supremacy and goes far toward choking off all sizable immigration.

One can do no better than to quote the President's message on this score, as follows: "The greatest vice of the present quota system, however, is that it discriminates deliberately and intentionally, against many of the peoples of the world. The purpose behind it was to cut down and virtually eliminate immigration to this country from southern and eastern Europe. A theory was invented to rationalize this objective. The theory was that in order to be readily assimilable, European immigrants should be admitted in proportion to the numbers of persons of their respective national stocks already here as shown by the census of 1920."

This policy had the practical effect of permitting many English, Irish, and German immigrants to enter the United States while effectively barring all but a small ratio of other European peoples. Inasmuch as quotas allotted to England and Ireland remained largely unused, total immigration fell markedly, sometimes to less than a third of the annual limit which had, in any case, become a shrunken 154,000.

The Immigration Act of 1924, like the oriental exclusion acts before it, was written in an atmosphere of racist tension. Some pseudo-scientific credence was lent to race theory at that time. Since then, biological and anthropological evidence has mounted to the point where any imputation of inate racial inferiority is either an expression of pathological hatred or an admission of hopeless ignorance. Writing such an imputation into law, reaffirming our exclusivism, if not our exclusionism, is to compound the original error.

A flexible code would allow for full use of quotas; instead we have made them more rigid than ever. For instance, before passage of the McCarran-Walter bill, British West Indians drew upon the unused British quota of 65,000. Whereas in the past it was possible for 2,000 Negroes from the West Indies to come in annually, the number will now be limited to 100. This is so of all colonies and dependent areas which until now have been permitted to use quotas allocated to their mother countries. Such a provision no doubt satisfied those who wish to see fewer Jamaicans entering the United States. However, it cannot be argued that this group is hard to assimilate since, as a spokesman of the American Negro, J. A. Rogers, has

pointed out in the Pittsburgh Courier, most of them enjoy an enviable advantage over some other aliens, namely their knowledge of the English language. This racist provision is of a piece with our unstable policy toward the colored peoples whose good will we need so badly.

A sop has been thrown to various Asian countries, natives of which used to be totally excluded. One hundred per annum per country may now be legally admitted. Proponents of the new law tend to overlook an accompanying provision which discriminates and confers an inferior status on any persons "attributable by as much as one-half his ancestry" to races indigenous to the Asian-Pacific triangle, by providing that such persons, no matter where they are born (for these people and for none other, nativity becomes relevant) are chargeable to the quota of the country of their Asian ancestry. This bigoted slur upon Asians and individuals of Asian extraction must be read within the context of international politics. Gratuitous insult woven into the legal fabric of a nation upon whose leadership the free world depends, serves to upset a delicate balance of power, alienate desperately needed friends and help thrust them into the Soviet orbit.

The Filipinos are a case in point. Since winning their independence, although their quota was small, they have never encountered specific racial barriers. This exemption from indignity has been ended. Now a person of Filipino background born in any area other than the Philippine Islands, such as South America, is obliged to trace his genealogical ties and satisfy irrational criteria of acceptability if he wishes to become a United States citizen.

All in all, the legalization and codification of zenophobia is a national disgrace. In this development, we have a manifestation of contempt for Turks, Italians, Greeks, and innumerable other Europeans, all Asians, and many Negroes. Our selective inhospitality weakens us from within by removing rich cultural plasma from the bloodstream of American civilization and exposes us to greater dangers abroad by antagonizing large segments of the world's population which, in other ways, we strenuously seek to befriend. Racism is not the basis for a sound, but rather for a possibly ruinous policy of immigration and naturalization. It can and should be erased from the statute books wherever implicity or explicity present, and at one stroke, by total elimination of the present quota system. In its place, an alternative arrangement such as selection on the basis of individual merit or distribution of visas on a first-come, first-served basis, could be instituted. Even this first-come, first-served alternative, however, is open to criticism inasmuch as prospective immigrants who can find no sponsors here would be barred, and many refugees fleeing persecution abroad would be excluded despite their devotion to the democratic ideal. Any new immigration law would have to surmount this obstacle.

For surely there is more than one feasible approach to the problem which would remove present inequities, extirpate bias and reopen our doors.

With individual merit as the keystone of admissions policy, a flexible plan of apportionment established by a federal administrative or executive commission might well be instituted. Under such a program, a truly dedicated commission, such as the one which has had the foresight to conduct hearings of this nature could determine annual admission allotments.

What criteria should govern admissions? Not an outmoded national pedigree but such factors as special skills, our own farm and industrial needs, the mental and physical abilities of the applicants and kinship to American citizens and to aliens who have gained admission to the United States and yearn to see the Old World family circle complete again.

Such a proposal should, in our opinion, provide for a minimum of 150,000 annual visas but allow a maximum of at least 350,000 and thus enable this nation to offer asylum to bedeviled and liberty-hungry fellow humans like those now cornered behind the iron curtain.

It is particularly unjust to be guided by yesterday's prejudices when overpopulation in some areas is so acute and when those who would flee Stalin are so numerous. This is scarcely the time to let precious quota places go to waste because of a system loaded in favor of nations with no emigrant pressure.

Naturally, we condemn and deplore the use of national origins quotas; but even if such a system should survive, radical changes for the better could be made. As many immigration specialists have observed, unused quota places could be reassigned at the end of every year by an equitable system of priorities. The situation could be eased somewhat by use of census figures more up to date than those upon which current legislation is predicated, namely the 1920 census. For instance, the Boston Herald in a recent editorial estimated that if 1940 figures were used, Great Britain and North Ireland would lose 1,200 quota places and Italy would gain roughly 1,500 at the two extremes while other changes would range in between.

Such alternatives have not yet been attempted; this does not mean they are unworkable. Racism can be abolished. As an immigration formula it has neither a long nor honorable history. But some prejudice and discrimination are abroad in the land even though they flout our fundamental creed. This is true also of anti-intellectuality which, when implemented in practice, can likewise prove to be exceedingly unwise and impractical. Since passage of the McCarran-Walter Act, college and university professors have been eliminated from the class of aliens who are admissible as quota-exempt immigrants. In the world of science and the humanities where no natural frontiers exist, our legislators have erected artificial ones. If these difficulties had existed 10 years ago, Dr. Benes might not have been able to find refuge from Hitler at the University of Chicago, nor Dr. Bruening at Harvard, nor Dr. Einstein at Princeton. Intellectual capital of this sort is squandered at our own peril. It is not in keeping with American tradition.

Unwarranted restrictionism is one evil; irresponsible recourse to deportation is another. In the past, naturalized citizens have been substantially on a par with native-born citizens. The new law in many ways reduces them to second class status. While multiplying the grounds for banishment and denaturalization—a form of punishment whose primitivity is well known to social scientists—in several instances it eliminates statutes of limitation protecting American citizens. If, for example, there is a technical defect in the immigration procedure of any alien, he is deportable for the rest of his life regardless of how many years he has been a peaceful law-abiding resident of this country. This goes beyond the legitimate objection to and

sanction against fraudulent entry. It establishes a special punitive principle for those who have chosen to uproot themselves and migrate to the United States. Another section of the new law gives the United States Attorney General power to deport any alien who "at any time after entry is convicted in the United States of any criminal offense." Moreover, the conviction may have been obtained four or five decades prior to such a decision. The formulation is extraordinarily vague and therefore creates unprecedented possibilities of abuse. For what constitutes a criminal offense? In Senate debate, Senator Lehman and others indicated that it could be reckless driving or violation of a municipal antinoise ordnance. As Senator Lehman put it: "This provision would, for all practical purposes, authorize the Attorney General to impose at will the sentence of exile on almost any and all aliens the Attorney General for any reason feels are undesirable."

Similarly the McCarran-Walter law establishes the deportability of an alien for past acts which were not deportable offenses when committed. Whatever the constitutionality of such rules—and it is dubious—there can be no question as to their immorality. For harshness and benightedness it would be difficult to surpass that part of the law which authorizes deportation of any alien who after entering the United States has a nervous breakdown and is hospitalized, and if the breakdown occurs within 5 years after his entry into the United States. So to differentiate between mental disorders and physical afflications is to fly in the face of modern medicine which is increasingly psychosomatic in its outlook. It carries us back to a point not far removed from the medieval concept of diabolical possession. In this region once plagued by Salem witchcraft, this hits a sensitive nerve.

The spirit of American law, with its underpinnings of fair play, has always been hostile to ex post facto regulations. Yet the Federal Government is now empowered to visit retroactive deportation upon immigrants who at any time after entry belonged to "subversive" groups, even though they have long since discontinued their affiliation with such groups. We have already witnessed the case of a New England resident about whose good citizenship no one expresses any doubt, but who long ago naively paid $2 to the Communist Party during a strike. He was fully disabused thereafter, but today he faces deportation to Finland. It is a tragically peculiar feature of this provision that, whereas immigration by members of totalitarian groups who reformed before entry is now permitted, those who reform after entry cannot escape deportation. Thus, the recently and perhaps expediently reformed Nazi enjoys a preferential treatment over the long-reformed naturalized American citizen.

Administrators are fallible human beings against whose possible misjudgments, checks, appeals, inquiries, hearings, and reviews are absolutely indispensable. Despite this unchallengeable American doctrine, we have just granted inordinately broad powers to immigration officials, consuls, and the Attorney General's office by substituting for objective standards the "opinion" or "satisfaction" of these officials as a basis for exclusion or deportation. Effective review of capricious, spiteful, or erroneous decisions is prevented by numerous new provisions. Surely, it is an invasion of rights hitherto considered sacred to permit any immigration official to interrogate without warrant

"any alien or person believed to be an alien" as to whether he may remain in the United States. Certain important safeguards have been abolished. For instance, the President of the United States has been given the unreviewable right to suspend immigration at any time while under the old law he had this right only during war or during the existence of a national emergency. The Board of Immigration Appeals has been emasculated by removal of its statutory basis thus enabling any administration to abolish this essential institution at any time. The whole administrative apparatus has become swollen with power and opened more than ever to prejudice and arbitrariness. A minor consular official exercises an absolute right to deny issuance of a visa, and there are practically no means whereby an interested American citizen may secure a hearing to put in question the correctness of the consul's action. Surely the legislative establishment of a visa review board would seem to be in order.

In appealing to you to work to bring the injustices already mentioned into line with the American doctrine of equality for all, I wish to cite one further example of the subtle danger with which the act of 1952 is weighted. I refer to section 222(a) demanding that each alien shall state his "race and ethnic classification." In this hour of judgment by label, of the deliberate and unholy debasement of the character of great peoples fiercely proud of their spiritual origins, this Nation must avoid totalitarian practices of harassing and stigmatizing groups.

If even the possibility exists that consular officials may interpret this section to mean that adherents of a faith are required to state their religion, viz, that Jewish would-be immigrants must state that they are Jews, then this section is fraught with the greatest danger to all of the traditions and concepts of American democracy. Thus section 222(a) of the McCarran-Walter law constitutes an open invitation to wrongdoing.

Within the compass of a brief statement, it is impossible to convey a full bill of particulars concerning present legislation and the desirability of drastic revision thereof. What we can do unequivocally is to urge upon Congress the abolition of long standing and newly created inequities of our present basic immigration and naturalization law. Mature and reasoned consideration can only lead to its liberalization. Self-interest, a humanitarian ideology, our global position, all point to the necessity for blasting prejudice and injustice from the law.

The CHAIRMAN. Thank you very much, Rabbi.

Commissioner FINUCANE. You made reference to bringing individuals in because of their special skills and so on. Would you not include within that group just plain, unskilled labor—a man who wants to earn his living with a pick and shovel?

Rabbi NADICH. Of course, that paragraph necessarily had to be very sketchy. But I certainly would not limit the categories only to those of skilled labor. In other words, when there is a shortage of manpower in the country, and under our present mobilization program there is some need for nonskilled labor, then certainly they too should be included.

The CHAIRMAN. Do I understand that you would give priorities to skills that happen to be needed?

Rabbi NADICH. I think there ought to be established a series of priorities, one of which would be the one which was just mentioned; others, I have tried to indicate briefly as well.

Commissioner FINUCANE. Would you establish these priorities irrespective of the national boundaries?

Rabbi NADICH. Irrespective of national boundaries. I think, too, one point that ought to be borne in mind with regard to the establishment of priorities and categories ought to be the fact that we in America have always profited from the introduction into our culture of various strains from various parts of the world. I think that under the establishment of categories there ought to be provision made for a sort of nondescribable group, as far as skills are concerned, but whose importance would be the fact that they would be bringing into America various cultural strains that would help fructify American culture.

Mr. ROSENFIELD. With reference to the proposal in your statement for "a Federal administrative or executive commission * * * to * * * determine annual admission allotments," are you advocating a permanent or ad hoc commission, or what do you have in mind?

Rabbi NADICH. Of course, that was in line with the general suggestion as to possible legislation as corrective to the present legislation, and while, of course, we haven't worked out any details of legislation, it would seem, since there would have to be established priorities, there would have to be a more or less permanent commission that would have to determine the selection within the priorities. Therefore, the commission would have to be more than just an ad hoc commission.

Mr. ROSENFIELD. Would you suggest such a commission be given administrative responsibilities as well, or would it be devoting itself fully to this distribution process?

Rabbi NADICH. It would have administrative functions as well, with proper checks. Of course, that ought to be instituted so as not to render complete and full power to even such a commission.

Commissioner FINUCANE. Would you consider that giving temporary special priority to areas of overpopulation in Europe, such as the Netherlands, Italy, Greece, would be repugnant to your idea here expressed?

Rabbi NADICH. I don't think it would be repugnant to the ideas here expressed because giving priority to certain national groups would not be with the inference that these national groups are superior to other national groups, which, it seems to me, is the inference under our present legislation. There our reason is a specific one, not because the Greeks, or the Italians, or the Netherlanders are basically superior, but because there is at the moment an emergency of overpopulation in those countries, and we want to relieve that situation.

Commissioner FINUCANE. If, within its absorptive capacity, our country were to become an outlet for the overpopulated countries of Europe, would that not be a blow to countries such as Indonesia and Pakistan, where there is also a severe population pressure?

Rabbi NADICH. I fully appreciate the difficulty of that argument you have just raised, and it is quite true that overpopulation is a serious problem in many of the Asiatic countries. It seems to me,

however, that there are certain considerations that we must bear in mind: First, there will be of course, a top floor, top ceiling, as to what numbers we can take into the United States; working with that ceiling then, we get to work on apportioning our priorities among various overpopulated countries.

Then there ought to be bourne in mind, in addition, our national policy to help fight the growth of Soviet influence wherever possible, and in those countries where, because of overpopulation and ensuing poverty the Soviet propaganda is growing increasingly successful. It would seem to be to our national interest to look in the direction of those overpopulated countries first. However, I do feel that in the case of Asiatic countries, too, we should not turn away from their problems: that we should try to help them as much as we can.

Commissioner FISHER. Well, it seems to be the view of the demographic experts who have testified here that within our ability to absorb, we can do something about the population pressures of some of the European countries. They also agree, and I am sure you will also, that within our ability to absorb, we really can't absorb the population problems of the world.

Now in our struggle against communism, will not such a distinction present to our adversary in that struggle the propaganda weapon whereby he can through his agencies in the crucial areas of the Far East, say: "Look at the Americans, they are prepared to solve the population problems of white countries, but they really don't care about you."

Rabbi NADICH. Of course, our propaganda will have to be sharpened also to combat such Soviet propaganda. And I say we ought to at least—if nothing more than a token admission of Asiatics—we ought to increase our token admission of Asiatics.

I want to make one closing statement, if I may, Mr. Chairman if you will forgive me, it is a personal reference. During the war as a chaplain I had the experience, the unhappy and tragic experience, during the Normandy invasion particularly of helping to bury as many as 250 of our men in our Armed Forces a day, and as we placed them in these long trenches, one beside the other, I could not help but think of the fact that in spite of the fact that they were Americans by birth or by naturalization, whether they were white or black, or Protestant or Catholic or Jew, whether their ancestors came from England or Rumania, or Poland or Italy, they were all Americans, who had fought for America and who had died for America, and who were being buried together as Americans.

Thank you Mr. Chairman, and gentlemen of the Commission.

The CHAIRMAN. Mrs. Alice Cope.

STATEMENT OF MRS. ALICE COPE, VICE CHAIRMAN, MASSACHUSETTS DISPLACED PERSONS COMMISSION

Mrs. COPE. I am Mrs. Alice Cope, vice chairman of the Massachusetts Displaced Persons Commission, and I am testifying as an official of that commission. I am also president of the Window Shop, 56 Brattle Street, Cambridge, Mass., which is a nonprofit organization set up in 1939 to help the refugee and the newcomer to this country resettle in this area.

Mr. Chairman, I am not an expert; I can't say any of the things that Professor Handlin and Rabbi Nadich said, but I would like to support what they have both said. I am an amateur who became interested in the refugees, and in the new Americans because, as a young woman, I was in Germany when Hitler came to power, and from a protected Boston background I was suddenly thrust into a situation that I couldn't believe existed, and refused to accept. From that time, I have worked to help to find employment and homes and a new way of life for the people who have come to this area.

I want to speak of one particular aspect, which, while I respect the experts' opinions, and their careful analysis of the McCarran-Walter Act, I feel is neglected, and that is the actual process of resettlement of these people; what happens to them when they come to their new country and to their new community.

So far, resettlement, in the years that I have been closely attached to it, has been done on a sectarian basis, very devotedly in some places, very spasmodically and carelessly in others. It has in some communities caused a serious burden on the voluntary agencies because the people, particularly in recent years, who have come, have been through so much, and have so many problems to face from learning a new language, to readjusting themselves to a new life, that it takes time and thought and care. Where it has been done, with time and thought and care, as, for instance, by most of the Jewish agencies all over the country, it has been done with outstanding success. Where it has been left to the individual sponsor, who in a moment of enthusiasm gave his sponsorship totally unaware of what he was facing when the immigrant arrived, it has frequently fallen eventually to the lot of a private agency in the community, if there was one, or to various church groups, or to various kindly people, who very often with plenty of good will but very little sense, have taken on the care of these people. They have suffered, and we have suffered because they have suffered.

Now, the voluntary agencies, it seems to me, have done a tremendous job in resettlement process. But what I am wondering is if we are really going to rethink our immigration policy, whether we will also rethink the resettlement of our immigrants, and whether our Government shouldn't recognize, say frankly: "We want immigration; we want these people to be resettled as well, as quickly, as wisely as possible. We will put money into seeing that it is done. We will put money into adequate English classes. We will put money into adequate social services; we will put money into adequate medical care." Then, I think that people would be resettled quickly; they would be resettled much more firmly, and they would be able to contribute much more quickly to the particular community that they are in.

I don't think that we have paid sufficient attention to what happens to an uprooted human being. We just assume now he is lucky to be in America. Well, very often after they have roamed about for a year or so, they don't feel lucky to be in America, where it is so difficult to get employment because of age, because of lack of language. They certainly feel they would be better off in Europe, despite all of the fears and all of the hardships that they have been through.

I would also like to see the Government face realistically the question of the handicapped. If we mean what we say, or mean what some

people say, that we want to take the handicapped and we want to give them an opportunity in this country, then we must put money and thought and care into having them resettled and recognizing the time it may take to resettle them. If we are not going to put thought and care into the handicapped, then I think it would be far better not to have them come at all. I have seen cases of the handicapped here who, though not actually rotting physically, because they are able to live, are certainly rotting emotionally and spiritually because nobody will give them a job.

I, personally, would like to see the quota system done away with. It would seem to me far better to set our limit in total numbers, and then clearly face what we want: where we want them to go; what we are going to do as a Government, not as foundry agencies, not as individuals, but as a Government, what are we going to do to resettle these people as quickly as possible.

I don't think I need to add more than that except that I thought both Professor Handlin, and Rabbi Nadich said all that I have thought many, many times. I am glad to answer questions about what I do. I think Mr. Rosenfield knows very well what I do, and how I have been in this for so long. I feel very strongly that we haven't looked at our immigration policy realistically and sensibly. I don't see any reason why you can't be humanitarian, and can't be realistic, but I don't think we are. We are either one thing or the other—we think we are being hard-boiled, or we are being hard-boiled. I am interested in human beings where they belong; I am not interested in being sentimental about them because I don't think it helps them or it helps this country.

The CHAIRMAN. Are you suggesting that the American people have not recognized this problem in the same light you have?

Mrs. COPE. It seems to me all growth is a matter of education, and education takes a long time. I have just come back from a trip across this country, and I realize more than ever that it is really, for the most part, the east coast that is interested in immigration, and is interested in the newcomer. That makes a lot of difference. The east coast isn't the United States, and the United States, as a whole, doesn't care about immigration.

The CHAIRMAN. Why is it that the different nationality groups all over the country aren't just as much interested as groups who happen to be located on the east coast?

Mrs. COPE. Well, I am sorry; I think they are only interested in their particular group, and I think that real interest should be in immigration, not in any particular group, whether it is a national group or whether it is a religious group. That is why I feel so sorry that the resettlement of immigrants has always been on a sectarian basis.

I don't know the answer. I think it is a slow process of education and growth. I think sometimes wise people must take the lead. I think a good bill could be written which would protect this country, if it needs protection. I happen to think that we are strong enough not to have to worry about the immigrants who are coming in here, but I know I am very much in a minority on that. But the consideration of the relieving of Europe and the proper resettlement in this country could be part of a wise bill, and I believe that the Congress would be convinced of it.

The CHAIRMAN. Does not the fact that the Congress passed this immigration law over the President's veto lead you to believe the people of the community were satisfied with it?

Mrs. COPE. I can only tell you one experience: I was invited to Washington to one of the hearings for the McCarran bill, and I spoke in a room three times the size of this, to one member of the committee. Well, if more than one member of the committee isn't interested to hear what people like myself have to say, then how can people like myself get over what we have to say. Now, whether that was repeated many times I don't know, but I just cannot believe that the McCarran Act is the wish and the will of the American people. I think it is lack of interest that caused it to happen, and lack of awareness of what was happening, rather than a desire to exclude immigrants—because they have given so much to this country, and we all were immigrants; my ancestors were; everybody's were.

The CHAIRMAN. Thank you very much.

Mr. Albert G. Clifton, you are next on the schedule.

STATEMENT OF ALBERT G. CLIFTON, LEGISLATIVE AGENT, MASSACHUSETTS STATE CIO INDUSTRIAL UNION COUNCIL

Mr. CLIFTON. I am Albert G. Clifton, legislative agent of the Massachusetts State CIO Industrial Union Council, 18, Tremont Street, Boston, Mass., on whose behalf I am appearing.

I have a prepared statement I wish to read for my organization.

The CHAIRMAN. The Commission will be pleased to hear it.

Mr. CLIFTON. I do not come here as an expert on our immigration and naturalization laws. As the legislative agent of workers affiliated with CIO unions in the State of Massachusetts, I have been deeply impressed by the fears that have gripped many working-class families of immigrant background since the McCarran bill became law. This uneasiness and dread is felt not merely by people who are still noncitizens, by people who have failed to become naturalized, but by many well-established families who have lived in this country for a generation or more.

For some years, after the turn of the century, immigrant workers from Europe and elsewhere had a feeling of insecurity, of fear, of not being wanted. However, during the past 25 years, this sense of not being wanted, of being discriminated against, has greatly diminished. It is tragic to find feelings of this kind again on the increase. It is, therefore, with the utmost satisfaction that we have noted the setting up of the President's Commission to study the immigration problem.

Because of the reactions of our people, I have made it my business to read up on the McCarran Act and to talk to people who know a great deal about the subject. Much of my testimony is based on an article published recently in Commentary, by Mr. Oscar Handlin, professor of history at Harvard, and author of several outstanding works on the problems of the American immigrant. The views of this writer are so much the same as mine that I have taken the liberty of following his statement in certain particulars. In addition, I have had the benefit of a memorandum prepared by certain attorneys who have worked with this problem.

Over a courageous and forceful veto, Congress recently enacted an immigration and nationality act, technically called the omnibus immigration bill of Public Law 414. More popularly, it is known as the McCarran-Walter bill.

Passage of the McCarran-Walter bill was a defeat for all those who have worked to bring into conformity with present needs and ideals the complex code by which we regulate the admission of immigrants. Manifestly, the thirty-year-old statutes under which we had operated were unrealistic in terms of the need of 1952. Their intention was, presumably, to give the United States a stable flow of newcomers fixed at a little over 150,000 a year. These laws have never done so. Assigning the largest number of places to applicants from countries like Great Britain, which no longer produces substantial numbers of emigrants, and limiting the available places for countries like Italy, which do, they have reduced the stream to a negligible trickle. Our old immigration laws are not in line with the democratic ideals of most Americans today. Those statutes were the product of an earlier troubled postwar period and reflected the spirit of isolationism. This was the spirit also expressed through the Ku Klux Klan and in the rejection of the League of Nations. A quota system rigidly fixed which identifies peoples as desirable or undesirable is offensive to our allies and potential allies throughout the world, and is a slur upon millions of our own citizens.

The McCarran-Walter bill is one of the worst statutes to which an American Congress ever gave its approval. Instead of correcting the inadequacies of the 1924 immigration code, it aggravates them. Not since the Alien and Sedition Acts of 1798 has an act of Congress come so close to upsetting the underlying assumption upon which the conception of citizenship in the United States rests: the assumption that there are no degrees of citizenship; that all Americans are completely equal in rights, whatever their place of birth.

The bill perpetuates all but one of the regrettable features of the old system and, in addition, introduces certain new ones. It does make available tiny quotas to the countries of Asia, and thus ends one of the worst of the old discriminations. But the harm done by the new measure more than cancels this slight gain. Retaining the rigid national quotas, it actually strengthens racist barriers. It thus deprives the Negroes of the British West Indies of the right to take advantage of the unused quotas of Great Britain. It defines as "oriental persons" those with even one Asiatic parent, no matter what their place of birth. The son of a Chinese mother and an English father, born a British citizen in Britain, would not be free to enter our country under the British quota. Professors, ministers, and refugees from religious persecution would lose the few advantages they now enjoy in seeking admission to the United States.

The bill curtails severely the civil liberties of immigrants and resident aliens. The latter would be compelled to register annually, and two failures to do so would be cause for summary deportation. Convictions for crime anywhere, at any time, would bar an applicant for admission to this country; there would no longer be, as there is now, some consideration of the surrounding circumstances of the crime—when it occurred, whether it involved moral turpitude, the nature of the convicting tribunal, or whether it would be considered a crime in

the United States. Resistance to Mussolini in 1924 or the Communist Czech Government in 1948 might conceivably be grounds for exclusion. The power of immigration and consular officials, already arbitrary, would be increased. Most disturbing, the McCarran-Walter bill sets up a class of conditional or second class citizens: under its provisions, our naturalized citizens would not immediately receive rights equal to those of the native-born, as they have in the past.

Organized labor believes that we should eliminate the provisions in our immigration laws which discriminate against individuals because of their race or national origin.

The McCarran bill continues and even emphasizes the national-origin theory. Our present quota system based upon the national origins of our population in 1920, restricts quota immigration to 154,000 annually and distributes this annual allotment to the various nations of the world. The distribution of quotas favors Great Britain and Ireland with more than 50 percent of the annual allocation. These countries just have no need for more than half of the quota numbers which we give them. The southern and eastern countries of Europe are given small quotas in view of the national-origin system.

Asiatic countries receive token quotas of about 100. And although the underlying theory of the national-origin system is to determine quotas by place of birth, quotas for orientals are determined on the basis of race, no matter where they are born. We hold that it is ethically untenable to differentiate between individuals on the basis of race or origin. The inherent worth of the individual should be the only criterion.

Our quota system and the racial discriminations in our new immigration laws were founded in the 1920's upon the theory that Nordic culture was superior and that certain other nationalities and races were inferior. Scientists have exploded this sort of nonsense. As a man who has lived among immigrants all his life, I can say with certainty that there is no difference in the ability of national groups to adapt themselves to our American society. The ability to adjust depends on the character and intelligence of the individual and the treatment he receives. Some people in all groups find it harder to become at home than do others; but this has nothing to do with nationality or race or color. We in the United States can assimilate any kind or type of people if we exercise tact, brains, and kindness. It doesn't even depend on fluency in speaking English. I have known immigrants who picked up English very quickly: some of the very best Americans I have ever met are men and women who spoke with an accent to the end of their days. This is a matter of spirit and not a trick that one picks up readily.

Most of us had hoped that the Nazi myth of racial and national superiority was buried upon the battlefields of Europe and in the waters of the Pacific. Today the ghost of that myth haunts us when we look at the immigration and nationality law of 1952.

The United States pledged universal respect for and the observance of human rights for all men without distinction as to race or national origin at the United Nations Conferences, in our participation and our acceptance of the Charter of the United Nations, and in our activity in behalf of the Universal Declaration of Human Rights as well as the Draft Covenant on Human Rights. We cannot maintain our

place as a leader in pressing for international acceptance of these principles and at the same time offend nations and races by discriminating against them in our immigration laws.

It may be necessary for economic reasons to limit immigration to around 154,000 persons per year. But whatever over-all figures we set should be divided up without distinction as to race, sex, nationality, colonies, language, or religion.

In his veto message, President Truman said that Public Law 414 will eliminate the statute of limitation upon deportation and that it will "sharply restrict the present opportunity of citizens and alien residents to save family members from deportation." He pointed out that the provisions of the new law makes deportation or admission of aliens dependent upon the personal opinions or satisfaction of Government officials. These provisions, said the President, are worse than the infamous Alien Act of 1798, passed in a time of national fear and distrust of foreigners, which gave the President power to deport any alien deemed "dangerous to the peace and safety of the United States. * * * Americans now * * * should be just as alarmed as Americans were in 1798 over less drastic powers vested in the President" (H. Doc. 520, 82d Cong. 2d sess. pp. 6–7).

Experience and history teaches us that restraints applied to aliens are often subsequently applied to citizens. Those who imprison the helpless are likely in the end to find themselves inside the walls they have erected. We should not retain the precedent of undemocratic procedures in the law whether they be directed at aliens or citizens. Our laws should be founded upon a principle of brotherhood of man and upon humane consideration rather than upon a theory of suspicion, distrust, undemocratic procedures, and arbitrary discretion.

Aliens with 5 years'—even 3 years'—residence in the United States and aliens with family ties should be encouraged to remain in this land of ours. Except as penalty for a crime and as punishment imposed by the judicial branch of the Government, aliens in this category should not be subjected to arrest, detention, or banishment.

The McCarran Act, as I read it, creates a category of second-class citizens. Today, those who have become bona fide citizens by naturalization are told that they do not have the freedom to stay abroad which is granted to native-born citizens. We have been told frequently that, except with regard to the Presidency, the native-born and the naturalized citizen stand upon an equal footing. The McCarran Act says "No." The law now says the naturalized citizen cannot return to his native land for more than 3 years and in no event can he go abroad to other countries for more than 5 years. If he does, he loses his citizenship. The native-born citizen may go abroad without any restriction.

The McCarran Act makes so large a proportion of the quotas available to those with special skills and makes the procedure so involved that this section of the law itself all but ends immigration to the United States. I believe that preferences might well be given to those with special skills, to relatives, and to those fleeing persecution. I would grant these three categories a preference to the extent of 50 percent of the annual quota of 154,000. The remaining 50 percent should be left open for laborers, mechanics, farmers, and indeed the common man: the kind of people who came to America in the past and helped to build our bridges, our roads, our factories, our industries, and our culture

and even our labor movement. If the McCarran Act had been in effect in 1790, and in 1890, and in 1910, it is doubtful that we would be the world power which we are today.

Therefore, we strongly feel that the obvious inequities of the McCarran Act should be corrected.

And we further believe that, in the process of formulating a fair and just immigration policy and a law for its administration, the traditional principles under which our country was founded should be the guide.

The CHAIRMAN. Thank you very much.

Mr. Stephen E. McCloskey.

STATEMENT OF STEPHEN E. McCLOSKEY, REPRESENTING EARL McMANN, PRESIDENT OF THE BOSTON CENTRAL LABOR UNION, AFL

Mr. MCCLOSKEY. I am Stephen E. McCloskey, representing the Boston Central Labor Union, American Federation of Labor, and I am appearing here today on behalf of our president, Earl McMann.

The CHAIRMAN. We will be glad to hear anything you have to say.

Mr. MCCLOSKEY. We are opposed to this law because we think the restrictions are too strong and I think our country has been built up on the truth of people; that the freedom of speech and thought, and that the way that the previous speaker said in his last paragraph, the common man having the right, and these restrictions are too close so we are liable to have another situation such as the Sacco and Vanzetti case. People are found guilty of belonging to certain organizations, separate and apart from the issues involved. I think most of us feel that a person who is in this country for some period of time and through some way has become a member of an organization—as in the period between 1929 and 1936 when people joined various organizations not knowing at the time that they were involving themselves in a situation that is here today—should not be deported or uncovered because they are called "pinks." I don't think it is right and fair that a man, who may have children growing up in this country, and who years ago had signed an organizational card thinking he was joining a labor union, should then be deported years later because it turned out to be some subversive thing, of which he was totally ignorant. I don't think it is right and our labor movement does not condone any kinds of these "isms" or organizations that are against our Government. We do not want those kinds of people in with us. But, by the same token, we have got to be fair and just, and we must have the truth. Therefore, I think parts of this law are wrong and should be stricken out or amended in some way.

The CHAIRMAN. Thank you very much, Mr. McCloskey.

Mr. Peter G. Geuras?

STATEMENT OF PETER G. GEURAS, REPRESENTING COSTA MELIOTIS, PRESIDENT OF THE GREEK ORTHODOX CATHEDRAL OF BOSTON AND THE DISPLACED PERSONS COMMITTEE OF THE ATHENS CHAPTERS OF THE ORDER OF AHEPA

Mr. GEURAS. I am Peter G. Geuras, 262 Washington Street, Boston. I am here as chairman of the displaced persons committee of the

Athens chapter of the Order of AHEPA, and I also appear on behalf of Costa Meliotis, president of the Greek Orthodox Cathedral of Boston, which is a religious and social center of the Greek Americans of New England, with a membership of 75,000 to 100,000 Greek Americans.

I wish to read a prepared statement.

The CHAIRMAN. You may do so.

Mr. GEURAS. The Displaced Persons Act gave a ray of hope to thousands of European people, many of whom came to the United States where they found an opportunity to earn a decent living and become useful citizens. Almost without exception, they considered themselves most fortunate and are very thankful for this opportunity. The war left them homeless, separated from their families, starving and hopeless. The Displaced Persons Act gave them a chance to live again.

The Immigration and Nationality Act recently passed was an anticlimax. Many of these unfortunate people who were not able to qualify in time to come under the Displaced Persons Act were hopeful that Congress would pass a liberal immigration act so that they, too, may be able to qualify later. The McCarran-Walter bill shut the door very tightly and extinguished that hope, especially for people of southeastern Europe where the quota number is very small.

We feel that the quota system under the act works inequitably against Greek nationals and those of other southeastern European countries. These countries are overpopulated and their natural resources are very poor and cannot adequately support these people. We strongly urge a revision of the quota system of the McCarran-Walter Act basing the quota system on a more equitable basis. It does not seem fair that some countries have so large a quota that it is seldom fulfilled and in other countries the quota is so very small that only a fraction of a percentage of those that wish to come to the United States can be allowed to come.

We also believe and urge that Congress should pass a new Displaced Persons Act permitting an additional number of displaced persons to come to the United States. Those that have been allowed to come have already established and assimilated themselves here in a most satisfactory manner. An additional number will help relieve a great deal of misery and suffering in most European countries and will not in any way unfavorably affect our country.

It is submitted that these new immigrants are hard-working, conscientious people and a credit to our country.

The CHAIRMAN. Thank you very much, Mr. Geuras.

I understand that Mr. Fred V. Moscone, 73 Tremont Street, Boston, is present and desires to file a brief with the Commission at a later date. Permission to do that is granted. I suggest that you forward the brief to the Commission's headquarters in Washington.

The hearing will stand in recess until 1:30 o'clock this afternoon.

(Whereupon, at 12:30 p. m., the Commission recessed until 1:30 p. m. of the same day.)

HEARINGS BEFORE THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

THURSDAY, OCTOBER 2, 1952

BOSTON, MASS.

SIXTH SESSION

The President's Commission on Immigration and Naturalization met at 1:30 p. m., pursuant to recess, in court room No. 6, Federal Courthouse Building, Boston, Mass., Hon. Philip B. Perlman presiding.

Present: Chairman Philip B. Perlman and the following Commissioners: Msgr. John O'Grady, Thomas G. Finucane, and Adrian S. Fisher.

Also present: Mr. Harry N. Rosenfield, executive director.

The CHAIRMAN. The Commission will come to order. We are in receipt of a statement from Gov. Dennis J. Roberts of the State of Rhode Island, which will be read into the record at this point.

STATEMENT SUBMITTED BY HON. DENNIS J. ROBERTS, GOVERNOR OF THE STATE OF RHODE ISLAND

(There follows the statement of Gov. Dennis J. Roberts, read into the record by Harry N. Rosenfield:)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
EXECUTIVE CHAMBER,
Providence, R. I., October 1, 1952.

MR. PHILIP B. PERLMAN,
Chairman, President's Commission
on Immigration and Naturalization,
Boston, Mass.

DEAR MR. PERLMAN: I should like to express some objections I have to the McCarran-Walter immigration bill which retains some of the discriminatory provisions of the National Origins Immigration Act of 1924. I should like to inform you and your associates of these views by letter rather than by appearance before your group because of the pressure of work which keeps me at my desk. In many respects the so-called McCarran-Walter bill is un-American and deals harshly with the would-be immigrants from the countries of southern and eastern Europe, more particularly those from Italy, Greece, the Balkan countries, and Poland. It is well known that during World War II many whose names and national origins could be traced to these countries fought valiantly and in many instances made the supreme sacrifice for our cause.

In Italy, for example, we are asking the people to support our policies as enunciated by the free parties rather than the Communists led from Moscow. On one hand we ask their support, on the other we tell them they would not be welcome in our country. This argument, of course, is seized upon by the Communists in their campaign to win over these people.

I should like, also, to voice objection to the quota method as proposed, based on the immigration laws of 1921 and 1924. If we are to use a quota system for

these countries and for their would-be immigrants, then I see no reason why we should not use the 1950 figures as a basis for the quota. To the alternative Humphrey-Lehman measure concerning quotas and the filling of unused quotas, I should like to give my strong support. If, in the first place, we set an over-all quota to this country and some nations do not use up that quota of immigrants, we would be doing little harm to this country and much good, I believe, if we were to apportion the unused quota among the nations whose quotas are filled.

Section 327 (E), Title III, Nationality and Naturalization, would deny the privilege of repatriation to those American citizens who served in the Italian Army during World War II. I strongly urge the retention of this title with the modification which would permit such former American citizens to give full accounting of their service in the Italian Army and the reasons therefor. I have in mind specifically unwilling service of a person drafted into the Army against his wishes.

In our State which I am privileged to serve as chief executive we have large segments of our population whose national origin can be traced to Italy, Greece, Poland, the Balkans, and other sections of Europe. I have always found them to be industrious, God-fearing, and loyal Americans. Generally speaking, they are anxious to become American citizens, to embrace the American way of life, and to assume the duties and obligations of American citizenship for themselves and their families. The great record written by the men and women who served in the armed forces of this country from our State during World War I and World War II is ample proof of this, if such proof is necessary. In the light of these objections and those I know will reach you from other sources and other interested persons, I ask you and your associates to review in great detail the immigration laws as they now stand and improve them for the benefit of the United States of America and the free people of the World.

Very sincerely yours,

DENNIS J. ROBERTS, *Governor.*

The CHAIRMAN. Is Rev. Theodore Ledbetter here?

STATEMENT OF REV. THEODORE S. LEDBETTER, REPRESENTING THE NEW HAVEN JEWISH COMMUNITY COUNCIL, THE NEW HAVEN COUNCIL OF PROTESTANT CHURCHES, THE ITALIAN NEWSPAPER, NEW HAVEN, THE ITALIAN-AMERICAN WAR VETERANS, MENDILLO-FAUGNO POST, AND THE NEW HAVEN BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Reverend LEDBETTER. I am Rev. Theodore S. Ledbetter of 101 Carmel Street, New Haven, Conn. I am representing several groups: The New Haven Jewish Community Council; the New Haven Council of Protestant Churches; the Italian newspaper New Haven; the Italian-American War Veterans, Mendillo-Faugno Post, and the New Haven branch of the National Association for the Advancement of Colored People.

We come to voice our objections to the McCarran-Walter Act and I want to read just two brief paragraphs of a letter which we addressed to our Congressmen and Senators with regard to this matter.

(The excerpts read by Rev. Theodore S. Ledbetter are as follows:)

Under the guise of bringing order to our confused immigration regulations, the present law simply reinforces and gives new authority to racist notions that have long been discredited and should have long since been abandoned. It is narrowly restrictive as to the number of immigrants who may enter the United States and clearly discriminatory in regard to the proportion of entrants allowed from various races and nationalities. Above all else, it perpetuates the national origins quota system, which was openly designed to limit immigration of southern and eastern Europeans.

The present law compromises our national honor, and its repeal or drastic amendment is a matter of urgent necessity.

We believe that we are expressing the sincere convictions of our fellow Americans of native and foreign-born parentage in the Greater New Haven area, and the State of Connecticut in endorsing the infinitely more democratic Humphrey-Lehman immigration measure and calling for the elimination of quotas based on national origins.

Reverend LEDBETTER. Here ends our quotation and we would like to further comment that the very nature of our joint representation in one appearance here signalizes our type of varified population in New Haven, including people of Italian origin, Polish, Jewish, peoples from all over Europe, Negro people—one-half of the New Haven population being Negro people who come from the West Indies islands. These groups are deeply concerned with the discriminatory parts of this act, especially the national origins quota system which perpetuates discrimination and tends to continue to favor those nations and persons from such nations who have already been favored, and who will be favored in the future, and is discriminatory against those who have felt the brunt of world conditions and who now are the object of continued persecution, and who need a friendly hand extended to them. In the name of these organizations I represent here and their constituents, we come to register our opposition to the present act and our desire that it be changed or amended to show a more humane immigration policy.

The CHAIRMAN. Thank you, Mr. Ledbetter. We appreciate your coming.

STATEMENT SUBMITTED BY MRS. ALFRED N. WILLIAMS, MASSACHUSETTS STATE REGENT, DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. ROSENFIELD. Mr. Chairman, may I introduce into the record a telegram addressed to the Commission from Mrs. Alfred N. Williams, Massachusetts State Regent of the Daughters of the American Revolution.

The CHAIRMAN. You may do so.

(The telegram follows:)

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Federal Building, Boston Mass.:

Massachusetts Daughters of the American Revolution at its State meeting October 1 voted to endorse the immigration and naturalization bill as passed by the Eighty-second Congress, believing that the economy and security of our country will be best served by enforcement of the present law.

(Signed) MRS. ALFRED N. WILLIAMS,
State Regent.

The CHAIRMAN. Is Dr. Dutton Peterson here?

STATEMENT OF DUTTON PETERSON, REPRESENTING THE NEW YORK STATE COUNCIL OF CHURCHES AND THE METHODIST COMMITTEE FOR OVERSEAS RELIEF OF CHURCH WORLD SERVICE

Dr. PETERSON. I am Dr. Dutton Peterson of Odessa, N. Y., and I am testifying here as a representative of the New York State Council of Churches and the Methodist Committee for Overseas Relief, which is a division of Church World Service.

I am speaking out of a very personal experience. For three and a half years I have been representing the Methodist Church, the

State council, and the Church World Service in resettling displaced persons; that three years and a half has included several months in the refugee camps in Germany, Austria, and Italy, visiting the troubled places from which people were being resettled in this country. In addition we have had as many as 139 DP's staying in our own home for anywhere from a period of 10 days to 3 months.

So the basis of my opinion comes somewhat out of this experience. I do want to say that I am very much concerned that nothing be done to admit people who are dangerous to the country, or who are out of harmony, deeply out of harmony, with our principles of Government, and our way of life. But I am also concerned that we continue to be a help to the refugees and the distressed and displaced people of Europe.

I believe that it is necessary for us to continue doing this to maintain our position as a friend of the oppressed. It is necessary to do this that we may relieve some of the tensions among the unwanted multitudes who feel there is no place for them. Even admitting some will give some hope.

I believe that it will benefit this country very greatly to bring many of these people here. Among the hundreds I have helped settle, I have had the privilege of finding places for many who are a very great addition to our American way of life; scientists, teachers, skilled craftsmen, et cetera. Among them have been many people, I would be glad to call the roll if you wish, who have been a very distinct asset to us.

I believe it is a great development to America to bring people who are basically opposed to communism, and I mean that in its deepest sense, who have suffered under it and who have been dispossessed of homes and families and positions, of every sense of security, and many of them come here determined to help us in the United States to know what a menace it is. So I believe the development of America is helped by bringing these people who are properly selected here.

I believe that we should take some immediate steps to complete the processing of some who were stopped when the displaced persons law was cut off. In families who are divided, some of them are still in Europe; others were on the verge of coming and didn't quite get a visa, and the correspondence from them relating the tragedy in their families is very great. They should be permitted to come as they may be reunited.

In general, I am not asking for emergency legislation. I am not trying to speak of minor details of the McCarran law—but the qualifications for admission should not arbitrarily depend upon having entered a certain country by a certain date, as in the displaced persons law, and we are also very sure that membership in certain organizations in days past does not at all indicate whether they are now enemies and dangerous to our Government; rather the test should be made on their own attitudes and own actions, rather than the fact that they belonged to some organizations that was almost compulsory in years gone by. They had practically no choice in having membership in some organization in Germany, Poland, or the Ukraine.

We believe that the necessity of readjusting this matter of qualifications to come to this country should be made to conform to our own democratic ideals and our traditions as the keeper of human rights

and the dignity of every individual. We also believe that the quota system should be much more flexible than it is so that a country which has only a few people who want to come might not have large unused quotas, while other countries under pressure, where people want to come, do not have adequate quotas.

I am not going to talk about the actual application of processing of people overseas. I believe that is more administrative than it is wholly a matter of the law; but I do want so to say—I wish I knew how to say it more plainly, that the resentments to America, the distrust and the thinking that we are stupid and biased people has been increased very much by the manner in which the provisions of the law have been applied and in which the provisions have been carried out. I am reminded of stories I have heard from displaced persons in my house about people under those continued and grueling and repeated hearings who have committed suicide, have gone insane, and that is not necessary. It is cruel to them and it is a disastrous thing for our country.

I am not going into details of application but if any are needed I would be glad to multiply in specific detail cases where our own application of various provisions of the law have worked to make people suspicious, distrustful and hate us, and that isn't necessary.

The CHAIRMAN. I think it would be helpful to the Commission if you would give us a written account of such cases.

Dr. PETERSON. I will be glad to prepare such a statement and send it to you.

Commissioner O'GRADY. In your resettlement work, have you found much demand for refugees having skilled occupations?

Dr. PETERSON. Yes, I have, and it seemed to me a tragic effect on us when there are people with skills unused because of refugee conditions who would come, and I could name people who have come and who have met a great need in this country.

I live near Cornell University and have helped to place a number of them there. One young Yugoslav is chief technician now in the soils laboratory and there are still thousands waiting to help us. It is tragic for Europe not to use them and if they have no place for them, it is a shame for us to leave them wasting.

Mr. ROSENFIELD. Is it your position that you are not asking for emergency legislation but an amendment to basic law?

Dr. PETERSON. I haven't kept up with it in the last couple of months. I do know the program shut off pretty quickly.

Mr. ROSENFIELD. Is it your intention to say you would cover these emergencies if they exist through a flexible new law?

Dr. PETERSON. Yes, that is right.

The CHAIRMAN. We will appreciate it if you would furnish us, in as much detail as you can, any factual information that may indicate that the present provisions work unnecessary hardships as you have mentioned.

Mr. PETERSON. Thank you. I would like to.

The CHAIRMAN. Thank you, Reverend. We appreciate your coming here.

Is Mrs. Gardescu here?

STATEMENT OF MRS. PAULINE GARDESCU, REPRESENTING THE INTERNATIONAL INSTITUTE OF BOSTON AND THE AMERICAN ASSOCIATION OF SOCIAL WORKERS, BOSTON CHAPTER

Mrs. GARDESCU. I am Mrs. Pauline Gardescu, 190 Beacon Street, Boston. I am appearing on behalf of the Boston Chapter of the American Association of Social Workers and I also represent the International Institute of Boston.

I do not have a prepared statement but I would like the privilege of filing a statement with the Commission later.

The CHAIRMAN. We will be glad to receive it.

Mrs. GARDESCU. I should like to call your attention to a pamphlet [1] which describes the organization I represent, the International Institute of Boston, and the services it furnishes to assist new Americans.

On behalf of the American Association of Social Workers, Boston Chapter, I would like to state that they wish it to be a matter of record that they are opposed to the provisions based on national origins in the McCarran-Walter Act; that they feel it is contrary to the principles of the United States, contrary to the consideration of personal dignity of individuals, for people to be judged on a basis of national origins or ancestry as for their fitness for immigration; that the fitness for immigration should be based on personal considerations in this world today.

The International Institute of Boston is an organization which is national in scope. We are a local organization which grew out of the immigration studies of 1911 and 1912, and it is nonpolitical and nonsectarian, and it is made up of not only the older Americans, but it serves as a focal point for social services to people when they first come here, and when they are learning to know the country and to speak English.

Our board of directors has gone on record as to its attitude as to certain provisions of the McCarran-Walter Act. We aren't introducing it as a whole, but we have been very much involved in the resettlement of the displaced persons and since 1924 in Boston the International Institute has worked with new immigrants and with other groups, in our programs for social integration of people of all nationalities. We have no limitations as to race or creed at all and on our own staff we have former Europeans. We also have had Chinese on the staff for 8 years, and we have no limitations of that kind at all. We have found that by and large most of the people are able to take care of most of their own affairs if they have some information about how to use the existing resources in the country.

We have resettled some of the so-called hard-core people and we have resettled handicapped people. In one or two exceptions, even with serious injuries, they have been able to go to work immediately in the current Boston labor market and make their own living and be independent.

We find there is a great deal of fear and apprehension on the part of people who have suffered the discriminations that they have suffered in the last decades on the basis of race and nationality, and we

[1] Your Passport, International Institute of Boston, Inc., 109 Beacon Street, Boston, Mass.

feel that the McCarran-Walter Act intensifies and does not relieve this fear.

The other day a man came in the office who had lived in Europe under a shadow of fear for 13 years of his life. He came in after living here 6 months actually shaking because a neighbor had told him they were going to have them deported, and he had been living under this fear and didn't know whether it was or wasn't true.

We feel that the United States in its position in the world today cannot afford to be hypocritical and to talk about idealistic concepts of a world of people and when it comes down to actual immigration, and to whether families con be united or not, that discrimination is made on the basis of country or of origin or of race.

We particularly feel that the continuance of the present census and the discriminations quota are not worthy of this period of our Nation's history. We also feel that raising the colonial bugaboo along the coast of this country, in other words saying to other southern powers that you can only send so many from your colonial areas under this system, is stirring up new trouble unnecessarily and again setting groups of people against each other.

We feel that the whole matter of ancestry as the basis for oriental immigration is unthinkable; that is the kind of thing that is totally inconsisent, because not only do we depart from the national origins thinking but we go into the background and force people to get into the whole subject of ancestry and areas, so that, while we appear to be removing the restriction against Asiatics with one hand, we hand a fruit to them and it has a sting in it. This is unnecessary in this world today. We are simply asking for trouble. We see in the International Institute these things, and we mingle on the basis of equality among all the people, and we see what these feelings mean. People who feel rejected and unwanted are not at ease and in this country to have any kind of civic unity we need to have and to live what we say.

We have programs where people do participate in our boards and in our committees we simply work together on projects that are worth while. We feel that the immigration law, the basic immigration law should have a different basis within certain realms, and where there is limitation of numbers there should be another basis.

We also feel that refugee measures should not be entangled in the immigration law; that if for a specific reason we are going to make provisions for displaced persons and refugees, it should be done wholeheartedly and not bar quotas for over 50 years ahead as we have in some countries, when in some countries very small quotas are sliced in half.

We believe in promotion of family stability; the development of leadership that is here, and to give it an opportunity to flow, and not have this sense of inferiority.

Mr. ROSENFIELD. Does the International Institute of Boston do much placing in industry, agriculture, and so forth?

Mrs. GARDESCU. Particularly in industry. We are a small group but this winter we settled seventy-odd families of so-called hard core people; we sponsored three or four hundred displaced persons. Some of us have had experience in other ways.

Mr. ROSENFIELD. Have you found any resistance to employment of immigrants?

Mrs. GARDESCU. We find that refugees from the Soviet are under suspicion.

We find a sensitivity on the part of some of the Chinese.

In this area there are a great many of the very able intellectuals who have a hard time, and will have a harder time before it gets better.

We find a middleman is a help in explaining this. He may be a Ukrainian but not a Communist.

Commissioner O'GRADY. What is your organization doing along educational lines with respect to resettlement in the United States?

Mrs. GARDESCU. We are very much interested in that and with the people themselves, our program involves people meeting and working together from all different groups. In the summertime we run special English classes when the public schools do not have them.

The CHAIRMAN. In the course of your work, do you do anything in respect to naturalization, citizenship?

Mrs. GARDESCU. Yes. We lean very much on the Massachusetts State program for citizenship and for schools, but also a number of our staff appear before the Board of Immigration Appeals, and so on, and we have made some successful appeals in difficult cases involving naturalization and of course we are fostering citizenship all the time. The thing we feel is that there is great leadership in the new groups and we are always trying to bring them out and give them an opportunity for hearing and give them an opportunity to participate in civic affairs so that leadership appears, so that people don't stay in their little pockets.

Commissioner O'GRADY. What has been your experience with cases involving deportation?

Mrs. GARDESCU. One of the things I want to say is we feel quite keenly about deportation cases involving people who have pretended to be something else to avoid repatriation to the Soviets. I mean we are quite willing to take up the cudgels in that case. We realize that there are technicalities on which people are held, and it may enable them to develop themselves, and we see to that or try to in every instance, that they have a deeper understanding.

Commissioner O'GRADY. Do you provide legal service for them too?

Mrs. GARDESCU. Well, that is administrative. In many cases we go in as administrative practitioners.

Commissioner O'GRADY. In difficult cases is it not necessary to have proper legal advice?

Mrs. GARDESCU. You must have advice from one who knows, and knows immigration law. That is not like general law.

The CHAIRMAN. As a result of your experience, have you any other observations to make with respect to the administration of the naturalization provisions of existing law, or provisions having to do with deportation?

Mrs. GARDESCU. I feel that from our experience fear is playing too much of a role; that somehow in all of these things we need an administration in which there isn't so much waving of the stick, until there is reason for it. We are not objecting to the enforcement of the law; but we do feel that it is very difficult in very technical matters for some of the people not to slip. I mean, it is very hard for people under the pressure of that kind of occasion not to get tangled up. I do not want to speak for parts of the law which we

haven't spoken on except that we do feel that it is contrary to the interests of the country to remove statutes of limitation on deportation and denaturalization and so on. I mean, in other words, we are strong enough to both enforce the law and not entrap people in that enforcement.

The thing that personally amazes me is that sins are forgiven in many instances, but seldom in these proceedings; I mean, your past haunts you. You can't repent.

The CHAIRMAN. Where is the fear?

Mrs. GARDESCU. On the part of the people who are involved in this thing. I mean people who fear. They don't know just what may happen to them. They are afraid—the thing is very involved. When it comes to "if you do this or if you do that so and so may happen to you."

I have been amazed again and again at the unrealistic fears of deportation.

It is hard to put across our concept of a law that applies to all men equally, and not just to live in fear as being the wrong kind of a person.

Commissioner O'GRADY. Is that affecting your displaced persons too?

Yes, the uncertainties. One thing I would like to say is that we have a staff member who is Cantonese. I don't want to speak too much of the Chinese. Few know the effect of what the fear has been It has made administration more difficult for government and has certainly made the lives of people very, very difficult. It is one of the things that helps build the law of dissimilation. The question of 'how can I straighten out these matters,' or 'may I do this,' and that sort of thing.

The CHAIRMAN. Thank you very much. We appreciate your coming.

(Supplemental statement submitted by American Association of Social Workers (Boston Chapter) is as follows:)

AMERICAN ASSOCIATION OF SOCIAL WORKERS (BOSTON CHAPTER),
November 12, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION,
Executive Offices, Washington, D. C.

DEAR SIRS: On October 2, in the Federal courtrooms, the Boston Chapter, American Association of Social Workers, made a statement for the record at the hearing of the President's Commission on Immigration and Naturalization. The hearing concerned the new Immigration and Nationality Act enacted this summer over the President's veto. We stated the opposition of the American Association of Social Workers to the national-origin basis of quota, which, it has repeatedly been acknowledged, is based on the concept that certain Nordic people, whose compatriots were the earlier settlers in the Colonies, are the more desirable immigrants and should be admitted in greater numbers than south and east Europeans, who came to the United States in greatest numbers after 1890 and are considered less assimilable and less desirable. The British, the Irish, the Germans have about half the total quota; the rest is shared by Baltics, central and eastern and southern Europe, Greece and Italy, from which greatest pressures for quota are felt, and also from other western European countries. The racist doctrine on which this formula is based is discredited. However, if national origins seems the most workable basis of limitation, the formula should be revised to the 1950 census, and the basis of 1890 abandoned.

Furthermore, the further limiting of oriental quotas by an ancestry test—namely, that anyone, anywhere, who has as much as half of his ancestry attributable to the Asiatic or Pacific area is attributable to the small quota of the area of ancestry—is bad. No limit is set on remoteness of ancestral origin;

for instance, we know of a university professor who is 100 percent Chinese, born the third generation in the West Indies, who would still be charged to China's quota of 105, not to Great Britain, the Government whose citizenship he has.

The racial theme throughout the law is out of keeping with American democracy and disastrous to its international standing.

The law is a strange mixture of good provisions and some so bad they are evil. The good ones are that spouse and minor children of citizens are now all admissible nonquota, removing that barrier to reunion of families. Under the old law, Chinese wives, but not husbands or children, were nonquota; and to this, and the GI immigration provision, we owe the first real beginning of normal family life for many Chinese residents of the United States. Numerous discriminations against women are removed; and citizenship, formerly denied most Asiatics (China and India excepted since about 1943), can be gained by naturalization when this law goes into force December 24, 1952. The Japanese American Citizens League worked for the law, so that parents of American-born Nisei veterans could be naturalized.

Fifty percent of quotas are reserved for "selective" immigration, according to certified needs for skills, including university professors no longer nonquota. This is good, but also bad, from the point of view of a bureaucratic control based on value judgments and opportunity for exploitation and logrolling by labor, politicians, and officers of Government.

Another racial bias is concealed in the limiting to quotas of 100 (within the quota of the mother country) the "nonindependent" areas of the Western Hemisphere; in other words, the colonies, such as the West Indies, part of Great Britain. It is a not very subtle way of keeping out Negroes. A man from New Haven, testifying October 2, claims one-half of New England Negroes are Jamaicans. There is a Liberia College Club at the International Institute of Boston, which has a high proportion of members from offshore colonial islands. There is no quota limitation on independent countries of the Western Hemisphere, except for those of oriental ancestry.

We need but mention some of the most dangerous "guilt by association" features. Naturalized citizens can be denaturalized for a variety of offenses other than fraud in acquiring naturalization, and those deriving citizenship through them also denaturalized. They are distinctly second-class citizens; and other countries are asking whether we have lost faith in the capacity of the United States to develop loyalty in, and truly assimilate, all peoples as citizens.

Deportation clauses are severe in administration. The whole concept of deportation—banishment, in fact—was repeatedly attacked at the hearing as an "undifferentiated penalty" that failed to suit the crime to the punishment. It was called an archaic survival from ancient times, legally speaking, and much favored by totalitarian governments. Thousands of persons now under orders of deportation cannot be sent out, due to lack of a receiving country; and this failure to carry out sentences creates disrespect of law.

Social agencies, such as the International Institute and the Massachusetts State Social Service Office for Immigration and Americanization, spend many valuable hours on deportation cases, usually not criminal, but technical in origin, in which the client suffers severe anxiety and humiliation in the process, which we know will end with no final action possible. Anyone who has lived "illegally in the United States" for months on end, with no remedy in sight, knows a gnawing agony of suspense and suffers a real rejection as a person. As social workers, we can give them technical help, supportive services, understanding, and acceptance as people, and help in planning to face the outcome of long drawn-out administrative procedures.

As professional workers who see first-hand the psychological effects of national and racial discriminations, the Boston Chapter of American Association of Social Workers wholeheartedly supports the work of the President's Commission in recommending and bringing about socially desirable changes in our current immigration policy.

Sincerely,

(Signed) HOWARD J. PARAD,
Chapter Chairman.

The CHAIRMAN. Mrs. Adolph J. Namasky.

STATEMENT OF MRS. ADOLPH J. NAMASKY, CHAIRMAN OF CHAPTER 17 OF THE LITHUANIAN RELIEF FUND

Mrs. NAMASKY. I am Mrs. Adolph J. Namasky, and I am chairman of chapter 17 of the Lithuanian Relief Fund, whose headquarters are in New York. I am testifying as chairman of my chapter.

Working with the displaced persons as our organization has done not only when they got here but previous to their arrival—we had about 50,000 Lithuanians in different parts of Europe and we have managed to get about 25,000 here to the United States and some went to Canada, some went to Australia and New Zealand, and different parts of South America. We have about 10,000 remaining in Germany and Austria. Some of them can't emigrate for reasons of health; others are still there because they could not get in under the provisions of the previous refugee bill.

Our organization is seeking the passage of the Celler bill. That is taking in 300,000 refugees who are still in different parts of Europe and southeastern Europe.

The McCarran-Walter bill, of course, is discriminatory to this extent. It eliminates a lot of the people who could come over here who are capable of being immigrants and who would be a credit to the United States. Some of the previous speakers—I was very interested in Senator Lodge's statement because I followed his activities in the Senate and it is only through these new immigrants and new blood that the United States has reached the attainments it has and if we shut this off or discriminate against it, we discriminate against people who are going to be the new coming generations of the United States. We need this new blood. We need the energies and influence and culture they are going to bring.

I can vouch for the fact in our own particular nationality group we have had very, very creditable representations in the United States, and I am sure other countries are not going to be left behind.

The southeastern European countries have the problem of overpopulation. There is plenty of room in the United States. There are a lot of frontiers that they can use. We have only to look at farmers through Maine, New Hampshire and Vermont and Texas and Minnesota, and so many places, to put all these people. The idea that we cannot absorb these people is fantastic.

During the war there was not much immigration to speak of, and you could allow these unused quotas to be filled during the process of time these immigrants could not come. We could easily do that and never feel it.

I can think of some of the industries that could come into this country. I was just reading an article in the Saturday Evening Post of the Sudetenland people thrown out of their homes, and how the Soviet Government took over the manufacture of their glass costume jewelry. They had a flourishing industry before the war. One Czech who had been displaced got together a few of the craftsmen and established that industry here, which is now a $10 million dollar industry. Why could not people like that have been coming here? That is new energy, and it would create work for many thousands of people and also make something for the United States to be proud of.

Working with these refugees, we have no problem with resettlement of the Lithuanian people. Most of them have been sponsored by friends or relatives and have obtained employment. Quite a few of them are in skilled and profitable categories, and I can say very proudly—not boastfully but with pride—that about one-half of them living in Boston are now home owners and own cars and live nicely and are sending their children through schools, and many are sure to be and will be a credit to the community. That could be multiplied by hundreds. I am sure other nationalities could say the same thing.

The CHAIRMAN. Thank you very much. We appreciate your coming.

Mr. Luigi Scala, you are the next witness.

STATEMENT OF LUIGI SCALA, GRAND VENERABLE OF THE GRAND LODGE OF RHODE ISLAND, ORDER SONS OF ITALY IN AMERICA

Mr. SCALA. I am Luigi Scala, 33 Weybosset Street, Providence, R. I. I am speaking for the Grand Lodge of Rhode Island, Order Sons of Italy in America, of which I am grand venerable. I am also president of the Columbus National Bank, of Providence, R. I.

I have a prepared statement I should like to read.

The CHAIRMAN. We will be glad to hear it.

Mr. SCALA. My name is Luigi Scala. I am grand venerable of the Grand Lodge of Rhode Island, Order Sons of Italy in America, and president of the Columbus National Bank of Providence, R. I. I feel honored to appear before your Commission in behalf of the said grand lodge.

The Order Sons of Italy in America is a national fraternal organization uniting American citizens of Italian origin; composed of grand lodges in most of the States of the Union; and this one in Rhode Island is a part of the said national association.

This grand lodge in turn has jurisdiction over 26 subordinate lodges, located in various centers of Rhode Island, having a total of 2,400 members.

I respectfully submit that:

Whether there will be or not a change in the yearly total number of immigrants which are permitted to gain admission into the United States, there should be a provision in the law making the unused quota of any nationality group available to other groups with lesser quotas. The present quota should not be restricted by interquota subdivisions in requiring, as the McCarran Act does, that a certain percentage of each country's quota shall be reserved to so called skilled immigrants. That alien parents of citizens of the United States should be allowed to enter this country, if otherwise eligible, as nonquota immigrants.

That illegal residents in the United States, if not subversive and if during a period of residence here, at least 10 years, have maintained a good conduct and are not public charges, they should be allowed to regularize their stay, being deemed as legal residents.

That alien parents of persons who have served honorably as members of the United States Armed Forces; who are over 50 years of age and who have resided in the United States and are otherwise

qualified under the naturalization law, may become naturalized citizens even if illiterate or do not know how to read and write English.

The leadership which the United States has assumed in international affairs; the obligations which such leadership imposes upon us in our dealings with other nations; the solidarity which we are endeavoring to knit among the free peoples of the world as a barrier against communism; should make us conscious of the fact that our immigration policy is not entirely a domestic problem; and the Congress should be guided accordingly in considering immigration. The present immigration law is an isolationist law.

The consequences of our immigration policies have been felt in the economic, social, and political conditions of our neighbors and friends; and we cannot convince those countries that we are real believers and doers of democracy unless we give evidence of an unprejudiced mind through laws which are exempt of implied racial prejudices. Our immigration policy has affected the destinies of many countries, Italy in particular.

The free immigration which we allowed until the first World War helped Italy to find a useful outlet for its abundant population; and the Italian immigrants by their assistance to their folks at home benefited Italian economy.

In 1914 almost 300,000 immigrants came from Italy into the United States. When our first quota law was passed in 1921 the quota for all European countries was fixed at 355,000 persons, of which 42 000 was the yearly Italian quota, or about one-ninth of that total. The Congress revised the quota system by the act of 1924, reducing the Italian quota from 42,000 to less than 6,000 annually, or less than one twenty-fifth of the total quotas. Lately the McCarran Act has written the same quotas in the law, although they are based on an outdated census, that of 1920, instead of revising them on the basis of the last census of 1950.

This has profoundly offended our American citizens of Italian origin and has been resented by the people in Italy, who are bound to us as allies in the North Atlantic Pact. We must point out that our soldiers of Italian descent represent a much larger percentage than the total individuals of Italian origin in the population of the United States.

It would be unfair to deny that this country has derived untold benefit from immigration. The rise of the United States as a world power and its influence in the councils of the world are intimately connected with the various immigrations which flowed into America during the last 50 years; which brought a tremendous increase in population and consequently in manpower, consumption, and productivity.

Our several forms of financial help to European countries have unquestionably been an antidote against communism; but in the case of Italy it is equally important, if not more, to obtain outlets for its excessive manpower. By reducing unemployment there, we will stifle communism and help the long-term economic stability of that country.

Our country, together with other countries which are underpopulated, should allow more immigrants than we do at present.

Of course, there are inherent in immigration some unfavorable social aspects during the period of amalgamation; but on balance

European immigration has been the most powerful stimulus for the growth of the United States.

Mr. ROSENFIELD. Have you, of your own personal knowledge, any information as to what effect, if any, our immigration laws are having on the internal situation in Italy?

Mr. SCALA. It is one of the reasons for the Communist strength in recent elections. However, I wouldn't say that is the only reason, but it is one of the reasons. I was recently in Italy.

Commissioner O'GRADY. Did you hear any Communists express themselves on this subject while you were in Italy?

Mr. SCALA. Communism in Italy is not like it is in any other country. They speak against America from another point of view. In other words, the difference is that where there is the majority of people, even those who are not inclined to be Communists, they speak very critically of this situation, not because they want to criticize the United States but because it is in Italy an unfriendly attitude.

The CHAIRMAN. Thank you very much, Mr. Scala.

Judge Luigi DePasquale.

STATEMENT OF JUDGE LUIGI DePASQUALE, REPRESENTING THE RHODE ISLAND RESETTLEMENT COUNCIL FOR ITALIAN IMMIGRATION, AND REV. JOSEPH J. LAMB, DIRECTOR OF THE DIOCESAN BUREAU OF SOCIAL SERVICE, INC.

Judge DEPASQUALE. I am Judge Luigi DePasquale, 232 Broadway, Providence, R. I. I am appearing on behalf of the Rhode Island Resettlement Council for Italian Immigrants. I am also appearing in behalf of Father Joseph J. Lamb, Director of the Diocesan Bureau of Social Service, Inc., of the Diocese of Providence, and as Diocesan Resettlement Director. I have a letter from Father Lamb for the Commission, which I should like to read into the record.

The CHAIRMAN. You may do so.

(The letter from Rev. Joseph J. Lamb, read by Judge Luigi DePasquale, is as follows:)

DIOCESAN BUREAU OF SOCIAL SERVICE, INC.,
Providence, R. I., October 1, 1952.

Hon. PHILIP B. PERLMAN,
Chairman, President's Commission on Immigration and Naturalization, Boston, Mass.

(Attention Rt. Rev. Msgr. John O'Grady.)

DEAR MR. PERLMAN: As Director of the Diocesan Bureau of Social Service, Inc., of the Diocese of Providence, and as Diocesan Resettlement Director, I wish to register my strenuous objections to the McCarran-Walter Immigration Act of last June 27. I regret exceedingly the fact that it is impossible for me to be present at this hearing due to an injury which confines me to my quarters. However, for the record, I wish to make the following statements:

In regard to section 201 (a), it seems to me it is rather absurd to base the quotas on the basis of the 1920 census if the census of 1950 is available. When the 1924 Immigration Act was passed, the 1920 census was used although the 1890 census was used during the interim, that is, until they could figure out the national origin based on the 1920 census, that is, until 1929. It seems to me that the 1921 and 1924 Immigration Acts were deliberately directed against immigration from southern and eastern Europe, particularly against immigration from Italy, the Balkans, Poland and Greece. I do not know what the intent of the legislators was but the result was a drastic curtailment of immigration from those countries. The mistakes contained in the national origin quota system adopted in 1924 are retained in the McCarran Act of 1952. I wonder if those

who voted in favor of this bill have ever thought of what would have happened during World War I and World War II if this national origin formula had been adopted back in 1890. If any of them have, at any time, been in the service, they would realize that many a platoon, in fact many a regiment would have been practically wiped out if the Italian, Slav, Polish and Greek names were eliminated.

Furthermore, we are at the present time requesting Italy, Greece and other southern and eastern European countries to be our allies in the terrific struggle against communism. Yet we are telling these people through the McCarran Act that they are inferior and not as welcome to come to this country as the peoples of northern Europe. It seems to me that Mr. Hitler was the great proponent of Nordic superiority. I am quite shocked and surprised in seeing Hitler's principles retained in our immigration legislation, particularly after we have fought a war to eradicate his ideas.

My first recommendation is that the quota system based on national origins should be striken from our immigration legislation. If this is not possible, then at least the census of 1950 should be used as a basis.

As pointed out by Senator Paul H. Douglas, of Illinois, in his talk in the Senate on Monday, May 19, 1952, the provisions of the alternative Humphrey-Lehman measure provided that if quotas allotted to various countries were not used, they should be then pooled and distributed among all applicants according to a general system of percentages. I personally believe that this provision of the Humphrey-Lehman measure is a very valuable one and should be adopted. If people do not wish to come to the United States from northern Europe, there is no reason why these visas should not be allocated to people from southern and eastern Europe.

I believe that there is a serious danger in section 212 (a) (9) in view of the fact that it confers too much authority on administrative officers in determining "what constitutes the essential elements of a crime involving moral turpitude." I recommend that the terminology of the 1924 law be followed but with the qualification that the term "moral turpitude," as understood in the United States, be considered, rather than that of other countries where persons are convicted of extremely minor offenses, including theft of small amounts of clothing, food, wood, etc.

There are other points in the bill with which I do not agree but at this time I wish to register my vehement protest against the provisions of the law which I have mentioned above.

In this letter, I am expressing not only my personal opposition to certain provisions of the McCarran Act but I am also, at the same time, acting as the representative of my bishop, the Most Reverend Russell J. McVinney, D. D., bishop of Providence, who directed me to enter his strenuous objections to the provisions of the McCarran Act which curtails immigration from Southern and Eastern Europe.

Most respectfully yours,

Rev. Joseph J. Lamb.

Judge DePasquale. May I just take a minute, gentlemen, to say this: I believe, frankly, that this is one of the most important things that we have had to contend with in this country. In 1920, I was lucky enough to find time and money to go to Italy, and I also went in 1951. Now we read in the papers sometimes about fellows who go across the water—you pick the paper up and see that they left for Italy and 3 days later they are back here in this country, and they tell about the stores being full and well-stocked and so forth. Gentlemen, I went in the towns from Palermo, Sicily, right up to the Swiss border, in small towns where the reporters very seldom get to because there are no accommodations, and it is tough to get there.

I have spoken to hundreds of people—gentlemen, the Marshall plan is wonderful, but they say it is not enough, give us an outlet for our excess population. Italy is about less than half the size of the State of Texas, you gentlemen no doubt know, the population is nearly 52,000,000. The birth rate exceeds half a million in Italy every year. Please, gentlemen, money alone is not going to do it.

They want a place to work, and there is a little antipathy because they speak frankly to me when I go there. To you gentlemen, they might be nice, and say: "We appreciate what you have done for us," and they do appreciate it, but they do say: "Give us a chance to till the soil." Those of southern Italy are farmers. I am glad my father and mother didn't miss the boat in 1888; if they had, I shudder at the thought, I would have been a shoemaker or farmer—not that I have anything against those trades—I certainly wouldn't have been the presiding justice of a State district court of the State of Rhode Island.

But I do say again, gentlemen, it is important—I know you cannot lower down the bars of immigration, that cannot be done, but they should get a little more help. Perhaps the unused quotas could be given to them. They will come here and they will make good citizens. Now they have in the past; they will today. That is what is troubling the people in Italy and in the small towns, they do nothing but sit around in the square all day long talking. You tell them about America, about the Marshall plan, about packages of CARE, so forth. They say: "Yes, but they still won't let us come." Just a little lowering, gentlemen, I think, will do a great deal of good and the Communists have taken advantage of all these things. They have a philosophy, the Communists, but they have an evil one, and they work 24 hours a day. They go to church, they tell the people this is an economic question, not a religious one; but God help Italy if the country ever went Communist.

Thank you very, very kindly.

The CHAIRMAN. Thank you, Judge.

Mr. Walter H. Bieringer, you are the next witness.

STATEMENT OF WALTER H. BIERINGER, CHAIRMAN OF THE MASSACHUSETTS DISPLACED PERSONS COMMISSION, AND NATIONAL PRESIDENT, UNITED SERVICE FOR NEW AMERICANS

Mr. BIERINGER. My name is Walter H. Bieringer and my address is Plymouth Rubber Co., Camden, Mass.

I am chairman of the Massachusetts Displaced Persons Commission and national president of the United Service for New Americans. I am also here on behalf of my personal interest in this problem.

I have a prepared statement which I should like to submit for the record, but first would like to make some comments.

The CHAIRMAN. We will be pleased to hear what you have to say.

Mr. BIERINGER. I started the first resettlement committee in this country after Hitler came to power some years ago, and then took charge of the resettlement of refugees from coast to coast at the very beginning of the Hitler situation. I was in Germany eight times during Hitler's regime to study the situation, and 2 years ago I visited all the DP camps in Germany, and was there again recently to study surplus population problems which have been more or less of a hobby with me.

I believe in liberal immigration legislation, not only from a humanitarian point of view, and not only because I feel that it will help toward world peace, but, also, for very selfish and practical reasons. I feel that it will help the United States economically, and op-

ponents of liberal legislation always say that immigrants take jobs away from Americans; whereas, those of us who have studied that situation feel that the reverse is absolutely true.

We are extremely grateful, particularly in New England, to the Austrian refugees of Hitler days, for establishing a very large industry; namely, the ski industry. We have ski resorts all over New Hampshire and Vermont, and in western Massachusetts. Practically all of the instructors were refugees, Austrian refugees and some German refugees, and it is really a large industry in this country, but people don't realize it. When I was a boy there was very little skiing in this country. It became popular with the advent of Mr. Hitler, that is, with the refugees who came here, and that is really a very large industry.

But there are other industries that the refugees have started here. They have brought skills, have started little businesses manufacturing things that we never made in this country, things that we imported previously, and they are employing hundreds of Americans in their plants, and, of course, every refugee has purchasing power. But I wasn't referring to that, I was referring to actual jobs that the refugee creates.

Furthermore, we need some of the unskilled, as well as skilled refugees. We are sorely in need of unskilled refugees. We know that when immigrants came in years ago they took tough jobs that Americans didn't want, and we have gotten to that point again where we can't get people to do certain manual labor jobs. There was no difficulty getting domestics when I was a boy, and immigration was large—that's just one thing.

Furthermore, we won't have a custom tailor left in this country in 15 or 20 years from now if we don't get in some skilled tailors from the other side, and there are many industries like that that are in need of skills—invisible menders, and die and tool workers, and so on.

One of the things I have made a proposal about in my prepared statement is a change in the quota system and I would like to discuss that point.

The CHAIRMAN. Certainly.

Mr. BIERINGER. I think that we could work out a quota law on the basis of something like a ratio that could be established for one new immigrant, for example, for every 500 citizens in the United States regardless of national origin. This would provide an annual immigration quota of approximately 300,000. In this manner, provision can be made for reevaluation on a planned, periodic basis and some modification of the annual immigration quota as may be indicated, and this plan has possible variants which I have also enumerated here.

Then, I have gone on to say that no one admitted for permanent residence should be deported unless his immigration was based on fraud. I would just like to read that end of it.

The CHAIRMAN. You may do so.

Mr. BIERINGER (reading):

(c) Once a person is admitted into the United States for permanent residence, he should have the privilege of remaining in this country unless his immigration was based on fraud. The concept of deportation as a penalty is inhumane and medieval. It most frequently punishes persons entirely innocent, such as members of the immediate family of the deportee. An alien who does wrong

should be punished for his wrong the same as a citizen but the punishment should fit the crime or the wrong, and not have an added penalty of "banishment."

(f) Distinctions between native-born and naturalized citizens should be eliminated as contrary to the spirit of the Constitution. The naturalization process should be so devised as to insure that the person naturalized is genuinely attached to the principles of this country. Certificates of naturalization should not be canceled except for fraud. The concept of citizenship responsibility to the State through residence, tax contributions, voting, and participation in civic affairs, is a responsibility which is that of both the native and naturalized citizen.

Then, of course, I have also mentioned that reasonable standards must be established to keep out criminals and insane and subversive elements, and so on.

Commissioner FINUCANE. May I just ask a question on your proposition that there be no deportation once an alien is admitted for permanent residence? What would happen if he should join the Communist Party, be active in the Party? Do you nevertheless think he should not be deported?

Mr. BIERINGER. I would punish him the same as I would anyone else.

Commissioner FINUCANE. You would have him prosecuted, but not deported?

Mr. BIERINGER. Yes; because too many mistakes might be made, and I think I would do the same thing with him that I would with anyone else, because of the members of his family I don't think it is fair to have a banishment proposition in a law.

Commissioner FINUCANE. Would you apply the same rule even if he had no family in the United States?

Mr. BIERINGER. You would have to, I don't think you could have an exception.

The CHAIRMAN. You stated that you do not think it is fair to the members of his family, but is it fair to the United States?

Mr. BIERINGER. Well, you might run into situations like the Latva case where mistakes can be made. Now he can be deported under this law because he was a Communist for 2 months, or something like that. I don't remember the exact case, but it was in our newspapers—you are probably familiar with it. I mention in my paper that reasonable standards must be established so that subversives can be kept out of this country. I feel that the screening is possible. If I knew there was a dangerous Communist here, I would be flexible on that.

The CHAIRMAN. If they commit a serious crime, why should this country be compelled to keep them here, especially if they have not become citizens of this country?

Mr. BIERINGER. Well, it is a very debatable question, one that we could debate on for hours, and I think I could take either side. But I think the chief reason is the possibility of error, and, also, the family relationship from a social work point of view. It would be very difficult to send them back in many instances.

The CHAIRMAN. That is another one of the problems that exists in this picture. There have been a number of deportation orders issued over a period of years, but the countries from which they came won't take them back, and so deportation orders continue to be issued when it is known in advance they cannot be carried out. Have you any suggestion to make about that?

Mr. BIERINGER. I would like to give it some thought and write to you on it.

Commissioner FISHER. With reference to the annual quota, what method do you suggest for selecting countries: first come, first served; selective basis, or what?

Mr. BIERINGER. I think we might give preference—I mention that in my paper—where people were being persecuted at the moment. Of course, I think if we had such a law during the Hitler days that we should have given preference to people in Germany at that particular time. If everything is normal all over the world, then we might give preference to those countries with surplus population, such as the Netherlands, Italy, and I think Greece is the other one which should be relieved of some of its population at the moment in order to have some prosperity there. There would be methods of preference, I think, that people could apply in any country in the world, and unless there were reasons for preference, then, first come first served.

The CHAIRMAN. You have mentioned only European countries. What about the Asiatic countries?

Mr. BIERINGER. Well, no matter how you felt, you could never put a law through allowing tremendous numbers to come in here. I, personally, would not object to it. But I suppose you have to be practical in this thing. I would have no objection at all to having Asiatics on exactly the same basis as Europeans.

The CHAIRMAN. If you were to have a limited number, a ceiling on the total number annually, would you put the Europeans on exactly the same basis as Asiatics?

Mr. BIERINGER. Depending on needs, I suppose. I think that is something that requires considerable study, but the most needy, I suppose, first, or those who are better equipped to become American citizens—you might want to put it on that basis—those who would adjust better.

The CHAIRMAN. If, as you suggest, there were to be a system of priorities based on needs and reasonable absorptive capacity of the United States, would you admit Asiatics on the same basis as Europeans?

Mr. BIERINGER. Yes, providing they meet the qualifications and if they would be good citizens.

Commissioner O'GRADY. Would you treat the Arab refugees in the same manner?

Mr. BIERINGER. Yes, provided they could meet the same test as anyone else. But there would have to be definite rulings on priority on these things.

Now as long as we are discussing this point, I would say that the groups that are desperately in need of emigration, other than the Greeks, Italians, and people from the Netherlands, are both those IRO refugees who remained when IRO terminated operations, and also the other displaced persons who did not, because of some technical provision, meet the technical eligibility requirements. In this group should also be included those European refugees in Europe, China, or elsewhere who still need to be settled somewhere. There are somewhere from 150,000 to 400,000 in that category. There should also be included those refugees in the United States who, because of technicali-

ties, are unable to adjust their status, and have no place to go. Then, the escapees from the iron curtain countries since January 1948—they are somewhere between, I understand, 100,000 to 150,000—German, Greek, and Italian expellees. There are altogether about 8 million or more, of whom a million and a half to 2½ million need to be emigrated, and this includes 500,000 expelled from the former Italian colonies in Africa; persecutees in the Middle East and in north Africa; Jews in Arab countries and Arab refugees in Jordan, Palestine, and Egypt—together, I guess there are about a million there; then, your so-called surplus population; so you have got quite a group desperately in need of emigration, and unless we do something about it the other nations of the world won't either.

We have done something. We have gotten Canada and Australia and others to do a little, and they will do it again if we have a decent law.

The CHAIRMAN. How does the action we take influence them?

Mr. BIERINGER. When we close our gates, they do the same. That has happened almost every time.

The CHAIRMAN. Thank you very much. We will insert your statement in the record.

(The statement submitted by Walter H. Bieringer, chairman, Massachusetts, Displaced Persons Commission, national president, United Service for New Americans is as follows:)

1. There are a number of pressing problems in the migration field which require remedial legislation as quickly as possible by the Congress of the United States, otherwise the position of leadership of the United States is threatened, our foreign relations are affected and the intergovernmental and voluntary agency machinery working in the international migration program may have to be discontinued.

2. Despite the fact that there are in Europe and adjacent areas millions of refugees homeless, jobless, and in need of settlement, the number who will have an opportunity to emigrate this year is 50 percent less than the number who emigrated last year and the year before. Migration has reached the lowest point since the end of World War II. Without new legislation the prospects for next year are even worse.

3. With the termination of the DP Act, the reduction in the number of available quota openings and the tightening of requirements for admission to the United States resulting from the new Immigration and Nationality Act, immigration to this country has been drastically reduced. Other principal countries of immigration, especially Canada and Australia, have, partially as a result of the example of the United States, likewise drastically curtailed immigration. It is necessary, therefore, to reexamine the problems and to outline a solution in keeping with our traditions, our foreign policy and our national needs.

4. The numbers in urgent need of resettlement opportunities from Europe and from adjacent areas may be estimated roughly as follows:

(*a*) Refugees. The problem involves not only the technical IRO refugees who remained when IRO terminated operations but also those who were in fact refugees and displaced persons but did not, because of some technical provision, meet the eligibility requirements. In this group should also be included those European refugees in Europe, China, or elsewhere, who still need to be settled some place (total, 150,000 to 400,000).

In this group should be included those refugees in the United States who because of technicalities are unable to adjust their status and have no place to go.

(*b*) Escapees from iron-curtain countries since January 1948: 100,000 to 150,000.

(*c*) German, Greek, and Italian expellees: 8,000,000 plus, of whom 1,500,000 to 2,500,000 need to be resettled. (This includes 500,000 expelled from the former Italian colonies in Africa.)

(*d*) Persecutees in Middle East and in North Africa (Jews in Arab countries and Arab refugees in Jordan, Palestine, Egypt, etc.): together about one million.

(*c*) So-called surplus population: in Italy, 2,000,000 to 2,500,000; Greece 200,000; and the Netherlands, 150,000.

5. The United States should accept a reasonable but limited proportion of these people, both in the interest of our own needs as well as to help meet this world problem. Should the United States take its fair share, other countries, as in the past, could be induced to take similar action.

6. No legislative program can resolve this problem unless a more reasonable, just, and equitable immigration policy for the United States is adopted. At least the following basic concepts should be included in such remedial legislation:

(*a*) Our capacity to absorb new immigrants is much greater than any present or contemplated levels of immigration, as attested to by statements of various demographers.

(*b*) Our immigration limits should be fixed on the basis of an over-all mathematical ratio of abosorption, based on our total citizen population. Thus, for example, a ratio could be established of one new immigrant for every 500 citizens in the United States (regardless of national origin), which would provide an annual immigration quota of approximately 300,000. In this manner, provision can be made for reevaluation on a planned periodic basis and for modification of the annual immigration quota as may be indicated.

This plan has many possible variants. This pro rata figure can be used in relation to the so-called quota immigrants, retaining the concept of nonquota for specialized persons, or the figure can be the maximum figure eliminating the specialized nonquota for Western Hemisphere and other groups, but granting priorities, or it can be a combination of both.

(*c*) Each applicant should be judged on his own merits and not according to his origin. The absorbability and potential contributions of an immigrant to the United States are not related to the place of birth. His love of democracy and his desire to be a part of the American Nation should be a basis for selection, rather than the pure happenstance of birthplace.

The substitute method for immigration proposed is a very simple one: That any person who is eligible be permitted to register for immigration anyplace throughout the world. He will receive his visa in relation to his date of registration. Special preferences or nonquota status should obviously be made for the protection of the sanctity of the family and the reunion of family members, including positive provision for dependent fireside relatives. Similar provision should be made for persons of outstanding skills, such as professors, scientists, etc., whose imigration is sought by the United States and necessary on a special basis. In order to accomodate certain needs of foreign policy, a small percentage can be reserved on a preference basis.

(*d*) Immigration procedures should be based on an acknowledgment of the fact that immigration is mutually beneficial to the United States and to the immigrant. The principle of selective immigration should be made realistic. Reasonable standards must be established to prevent the admission of such elements as the habitual criminal, subversive individuals, and the insane. However, administrative discretion should be allowed to make exceptions where merited in cases of technical nonconformity to the established standards of where reformation or cure can clearly be established.

On the assumption that immigration is beneficial to the United States as well as to the immigrant, it is essential that fair, humane, and equitable standards should be applied in relation both to the issuance of visas and to exclusion at the time of entry. A reasonable and adequate appeals and review procedure should be instituted with recourse to the courts where justified and practicable.

(*e*) Once a person is admitted into the United States for permanent residence, he should have the privilege of remaining in this country unless his immigration was based on fraud. The concept of deportation as a penalty is inhumane and medieval. It most frequently punishes persons entirely innocent, such as members of the immediate family of the deportee. An alien who does wrong should be punished for his wrong the same as a citizen, but the punishment should fit the crime or the wrong, and not have an added penalty of "banishment."

(*f*) Distinctions between native-born and naturalized citizens should be eliminated as contrary to the spirit of the Constitution. The naturalization process should be so devised as to insure that the person naturalized is genuinely attached to the principles of this country. Certificates of naturalization should not be canceled except for fraud. The concept of citizenship responsibility to the state through residence, tax contributions, voting, and participation in civic affairs is a responsibility which is that of both the native and naturalized citizen.

The CHAIRMAN. Mr. G. N. Longarini.

STATEMENT OF G. N. LONGARINI, PUBLISHER OF THE ITALIAN DAILY NEWSPAPER OF BOSTON

Mr. LONGARINI. I am G. N. Longarini, publisher of the Italian Daily Newspaper of Boston, 34 Battery Street, Boston.

I have heard some of the previous speakers who have already covered the subject which I have outlined in a written statement. Therefore, I will only ask permission to submit my statement.

The CHAIRMAN. Thank you very much. We will make that a part of the record.

(There follows the prepared statement submitted by Mr. G. N. Longarini, publisher of the Italian Daily Newspaper of Boston:)

It is my humble judgment that there should be a thorough and impartial review of our immigration policies and a reexamination of the McCarran-Walter Act, in order to bring these into line with our national interests and our foreign policy.

I. There should be a revision of the immigration quotas by allocating the unused portions of the immigration quotas allowed certain nations to those nations which are confronted with serious demographic problems. For instance, although Germany, Great Britain, and Ireland have more than two-thirds of the entire quota, they did not use one-third of the quota numbers which they were entitled to use under the law. I have here the figures for 1947, 1948, 1949, 1950, and 1951.

	Annual quota	Quota immigrants admitted				
		1947	1948	1949	1950	1951
Germany	25,957	13,662	17,229	12,819	31,511	14,637
Great Britain	65,721	19,218	27,774	23,543	17,194	15,359
Ireland	17,853	2,011	7,444	8,705	6,444	3,810

II. Our immigration and naturalization laws must be brought into line not only with our national ideals and interests but also with our foreign policy. The McCarran Act will give the Soviet Union a terrific propaganda weapon to be used against us. In all probability they may be using this weapon already by telling our allies of the North Atlantic Pact Organization that when we want them to fight side by side wih us against communism we welcome Italians, French, Greeks, and Turks, but when we revise our immigration policy we tell these people that they are not wanted in America. It raises havoc with our foreign policy and with the whole idea of American cooperation with other free peoples on a discrimination basis in the United Nations.

I propose that there should be not only a revision of our entire immigration quota system but I feel that some collective effort should also be made by the nations to study the immigration problems of the overpopulated countries.

III. There should be a study of section 242 of Public Law 414 on the apprehension and deportation of aliens based on humanitarian considerations. For instance, since the end of the war, there have been 1,500 deportees dumped on Italy without the knowledge or consent of the Italian Government. It is unbelievable that the United States Government, which professes concern over the welfare of the Italian people and the promotion of democratic procedures in European countries, should in this manner ignore the independence and sovereignty of the Italian Government. I feel that the Justice Department has disregarded the welfare and rights of individuals by repeating the mistakes made after the First World War through the illegal raids and mass deportations ordered by Attorney General Palmer.

I would make the following recommendations:

(1) That provisions be made for the respect of the rights of deportees and their families.

(2) That there should be a careful review of the individual deportation cases to bring the facts up to date and to accord the alien and his family the relief provided by our laws.

(3) That the Justice Department respect the sovereign rights of the Italian Government in the case of all deportees.

IV. This study must further include consideration of the status of naturalized citizens. It must deal with the distinction established by the recent law between naturalized and native-born citizens. In this respect I have reference to section 352 of Public Law 414, dealing with the loss of nationality by naturalized citizens establishing their residence abroad, and section 340, dealing with revocation of the citizenship of naturalized citizens. Revision of this section should be made to conform with the basic principles of our Constitution. The revocation of citizenship should be instituted only in those cases where the applicant submitted fraudulent documents in order to obtain his citizenship. Only a few years ago, in handing down a decision on a denaturalization case instituted by the Department of Justice, Judge Hutcheson, of the Fifth United States Circuit Court of Appeals of Houston, Tex., declared that the Supreme Court of the United States has never held that "naturalized, unlike native-born citizens, remain indefinitely under judicial tutelage."

Through my 33 years' experience as publisher of a daily newspaper reaching Americans of Italian origin, I can truthfully state that my views on this subject are shared by millions of Americans of foreign origin throughout the Nation.

Commissioner O'GRADY. What is your opinion of the national-origin theory as the basis for selecting immigrants?

Mr. LONGARINI. Well, there has to be some kind of basis. I have no particular suggestion as to the basis, but I do believe that the nations which are beset by demographic problems should have first consideration in order to justify our foreign policy with our domestic immigration laws.

The CHAIRMAN. Thank you.

Mr. Samuel Abrams.

STATEMENT OF SAMUEL ABRAMS, ATTORNEY AND PRESIDENT OF THE HEBREW IMMIGRANT-AID SOCIETY OF BOSTON

Mr. ABRAMS. I am Samuel Abrams, 610 George Street, Newton, Mass. I am an attorney and am president of the Hebrew Immigrant-Aid Society of Boston, which is affiliated with the Hebrew Sheltering-Aid Society of New York.

I have not had time to prepare a statement, and with your permission I will do so at a later time.

I appear before this Commission as a private citizen, as well as president of the Hebrew Immigrant-Aid Society of Boston, and I wish to fully adopt the able report of Rabbi Judah Nadich, who represented the Jewish Community Council, a proper spokesman in this city for all Jewish agencies.

After an immigrant has secured a visa upon application, which calls for a great deal of information, and a catch-all phrase that additional information necessary to the identification of the applicant and the enforcement of the immigration and nationality laws may be required by regulations, and after such immigrant has arrived in the United States, and after he has been examined, and a determination has been made favorable to his admission, his admission is still subject to challenge by any other immigration officer, whose challenge shall operate to take the alien before a special inquiry officer for further inquiry; and that bewildered immigrant is entitled to have one friend or relative present, under such conditions as may be prescribed by the

Attorney General. That is under section 236 of this act. This inquiry, the statute further provides, shall be kept separate and apart from the public.

In effect, an immigrant denounced by any immigration officer goes before a special inquiry from which the public is excluded and in which he may have one friend or relative. Is this procedure consistent with our American traditions of the right to a public hearing, or does it rather indicate the spirit in which our immigration laws have been written? It must be rather obvious that the great American public does not understand what our immigration laws consist of.

Now, when this matter was heard, I don't think that Congress had the advantage that this Commission has here. It didn't have the opportunity to have persons sit down and really think and consider this matter. If there is one matter that has been brought out rather fully by this hearing and the type of hearing that we have here, it is the necessity of a permanent commission to consider our immigration policy. We need a commission which will have some desire to give attention, to call men such as Professor Handlin and experts in this matter, representatives of various groups that can consider the continuing problems that this country has. This Commission is serving an extremely useful purpose; but, if it is just going to die with a report that is going to be pigeonholed, it is just going to be too bad. We have got to have this type of commission, and we have got to have some experts here. If necessary, we should have on such a commission a representative of the United States Office of Education, because education, as to the significance of promoting the welfare of the United States, is necessary. A representative of the Department of Labor should be there, so we can get some intelligent analysis and know exactly how far our immigration is affecting the national situation with respect to labor.

We have heard Professor Handlin say that it made no difference since 1920 with respect to the prosperity or depression of the United States: that our immigration policy was restrictive. Now, we do need a modern approach on these things here. Perhaps we should have a member of the FBI on this Commission if we have got a real Communist menace here. Let's leave it in charge of those people that attend to those things. The Immigration Service is not designed to act as a second FBI.

Now, there are certain basic principles that I think fair dealing requires. Walter Bieringer just stated that he thought it was a good thing if once a man was admitted to the United States he should not be deported. I concur in that opinion. If a man can pass the severe screening process and get into this country, if he is in here without fraud, and I would exclude him for fraud or illegal entry, then we should keep him here. We shouldn't be faced with all these serious problems of deportation or sending people back, and we shouldn't leave the sword of Damocles hanging over the heads of all these immigrants that have come into this country, and who feel that they can further themselves and further the interests of this country.

Well, again, there shouldn't be any distinction between native-born and the naturalized citizen.

I think one of the first things I learned in history—it may have been in the second or third grade at grammar school—was that there

wasn't any difference between a naturalized citizen and a native-born of the United States. I was born in Boston, as were all the members of my family. I think the first thing I heard was that you couldn't be President of the United States unless you were born in the United States, but, other than that, a naturalized citizen had every right that a native-born citizen had. That was one of the fundamentals of our policy, and a concept that we all accepted.

Well, that isn't true under our immigration law any longer. Now, we say that there is no statute of limitations to prevent a citizen from being denaturalized. We know that if we try a case, or if a man commits a crime and a few years elapse, that we don't reopen the matter. Testimony gets lost, and, again, there is a humane policy to give him a chance if he hasn't been detected. But under this present act, section 340 of the act, district attorneys are required to revoke citizenship, commence actions to revoke citizenship, if such citizenship was procured by willful misrepresentation without any saving clause as to time. How, this provision is more onerous than the preceding provision which says "revocation can only be had when actual fraud is shown or when naturalization is procured illegally." Well, again, we say that we should have some standards, some reasonable standards, to guide administrative officials.

In this connection, I would like to call the Commission's attention to something which they probably already have heard today. It is the power of the President of the United States. Section 212 (e) of the act provides that the "President of the United States may by proclamation suspend the entry of all aliens or any class of aliens, or impose on the entry of aliens any restrictions he may deem to be appropriate." The Chairman of this Commission is, of course, familiar with the action of Congress with respect to the rights of the President with regard to property, and, even so, even in cases of asserted national emergency, nevertheless, under this act Congress gives to the President of the United States a blanket authority to wipe out immigration altogether. This is, of course, a tremendous and wide power in the hands of any one individual.

If a President should be unfavorable to immigration, he could merely by proclamation, without legislative intervention, suspend immigration in the United States for so long a period as he deemed necessary. We are not always going to have Presidents like we have had in the past, perhaps. They may be better or they may be worse, but they may have some ideas about immigration which are not inconsistent with our policy. We have had in this country some bad Attorneys General. I can recall a situation in 1920 with Mitchell Palmer, and we have had some bad spots in this country that have developed over the years. We have had a President Harding; we have had various things here, and no one man should have this type of power. But the type of act that we have, and most of this legislation against immigrants, is emphasized by the fact that there is no provision in the act permitting the President of the United States to admit immigrants if special situations should arise throughout the world where large groups of persons will have to migrate because of national, religious, or political persecution. If there is to be any provision giving the President any discretion, and he doesn't have any discretion or power to admit any immigrants here, he has the

power to keep them out altogether and limit the terms under which they come in, but he has no power to admit any of them. If there is to be any provision for the President of the United States to act in any emergency, the provision should be made in the basic immigration law to allow such person to enter the United States without any undue difficulty, or the necessity of enacting special legislation in their behalf.

Now, it is rather obvious that this Commission is well organized and is in a position to secure a great deal of information. All I say is it is just going to be too bad if you are going to just let this information—if the American public is going to forget it, if it is going to be filed in a report, and nothing is going to happen as a result of it.

Now, I don't know how we are going to remedy that situation. But I do think that the coming of this Commission here today, the fact that we do have various individuals here, and that we do have certain publicity, is the sort of thing that is going to result in the public knowing more about this situation. When the public does know more about this situation—and, as Senator Lodge pointed out, the act passed largely because of lack of education, lack of knowledge on the part of Representatives and Senators throughout the country, and lack of interest—we have got to somehow or another stimulate the interest, get these things going and continue the good work that is going on here today. If we do that we can get a better immigration act than the one we have today, and that is, I think, the hope of all of us.

The CHAIRMAN. Are you aware that the act provides for the establishment of a joint congressional committee?

Mr. ABRAMS. I don't understand that the Senate has appointed one as yet.

The CHAIRMAN. Of course, the act is not in effect yet.

Mr. ABRAMS. I understand that, but unless we are going to have them really get at this thing and call upon the assistance of experts, call upon the assistance of persons like Prof. Oscar Handlin, and people experienced in these things, and Miss O'Connor, and other people who have testified here today, it is just going to be another one of those committees. I think we can do better with another one of those committees, such as the President's Commission here amplified, perhaps, by expert testimony, and by a certain amount of research. As Professor Handlin pointed out, he said that over at Harvard they can help out by research and they can help out by education; he even commented upon the fact that the summary of the 40-volume "Bible," was not a proper summary. The time comes when we do need a proper summary, and the time comes when we do need an understanding of what people know today about anthropology and the different migrations and racial movements and so on.

We are not dealing with the situation that existed in 1924 when people had certain ideas which have now become ossified in their heads, and by a passage of time have reached positions of power and influence where they can block any new ideas in the United States. We need a policy of education and carrying on of the thoughts that are being expressed here today.

The CHAIRMAN. Thank you very much.

Mr. Orville S. Poland will testify next, representing Gov. Paul A. Dever.

STATEMENT OF ORVILLE S. POLAND, REPRESENTING HON. PAUL A. DEVER, GOVERNOR OF MASSACHUSETTS

Mr. POLAND. I am Orville S. Poland, and I am here to read a statement made by Governor Dever relevant to your subject matter here today.

The CHAIRMAN. We will be pleased to hear the Governor's statement.

(The statement of Gov. Paul A. Dever of the State of Massachusetts, read by Mr. Orville S. Poland is as follows:)

I welcome the opportunity to express my views as Governor of the Commonwealth of Massachusetts before this Special Commission on Immigration and Naturalization.

The basic purpose of this Commission is the study and evaluation of the immigration and naturalization policies of the United States. You certainly have for your guidance the trenchant message of President Truman, vetoing the so-called McCarran Act. So well does this message analyze the present act that it would be superfluous to criticize the act in detail. You have also had the advantage, as have I, of studying the history of immigration policy in the United States as it was spread in the Congressional Record of May 19th by Senator Douglas. However, within the purview of your commission from the President, there are matters of immigration policy on which I have a deep-rooted conviction.

First, the national-origin quota system denies the basic principles of the Declaration of Independence and designates some people as second-rate human beings. If we accept the political proposition that all men are created equal and if we are possessed of the religious faith that they are all alike sons of God, we cannot adhere to a system which allots 84 percent of our immigrants to northern and western Europe and but 14 percent to southern and eastern Europe. If we are true to our professed belief we must reject an immigration law which limits to 100 the immigrants from colonies of a mother country which has an unfilled quota. For we know that the only purpose of this limitation is to exclude men and women of darker skins who come from such places as Jamaica or Barbados.

Second, our immigration policy should recognize that there are factors which must be considered in order to secure and continue an equality of economic opportunity and to make possible a reasonable and happy social adaptation. These purposes may possibly be reflected in the aggregate size of the quota, but not by racial discrimination.

Such discrimination has no more place in an immigration quota than it does in the Commonwealth of Massachusetts, where we have adopted anti-discrimination legislation which forbids economic or social discrimination based upon race, age, color, or religious belief. The same principles have been adopted in our legislation with respect to educational opportunities. Our belief in these principles is not idle talk. It has been implemented in the Commonwealth of Massachusetts, and should be implemented in the immigration and naturalization laws of the United States.

Third, I suggest an examination of our immigration laws to eliminate the possibility of action in respect to admission, exclusion, or deportation, based upon the mere opinion of an administrative official apart from a sustained burden of proof or the weight of factual evidence and without an established tribunal for appeal. Our Constitution protects all persons from being deprived of life, liberty, or property without due process of law. No privilege so precious as admission to the United States or citizenship in the United States should be denied less formally or with fewer safeguards than those which protect property.

Fourth, I note that it is within the scope of your inquiry to consider the effect of the immigration laws on the conduct of the foreign policies of the United States and on emergency conditions, including the overpopulation of western Europe and the refugee and escapee problems in these areas. I shall not attempt to judge these problems in terms of their numerical magnitude, but it is apparent that, if democracy is to win friends and retain allies in the defense

of civilization against communism, it must be done on a basis which exemplifies the underlying tenets of democracy as they are represented by a recognition of the equality of mankind. Any quota system which belittles people of one national origin as compared to another or asserts that those from one country are less welcome than those from another country can serve only as a repudiation of the principles which we purport to uphold. We must uphold them in fact as well as in theory if we are to gain and retain the respect and friendship of the peoples from whom we seek such respect and friendship. It is only such a revision of our immigration and naturalization laws as incorporates our democratic faith that will relight the torch of Liberty and throw its light so that all who come may read the inscription and be comforted:

"Give me your tired, your poor,
Your huddled masses, yearning to breathe free,
Send these, the homeless, tempest-tost to me
I lift my lamp beside the golden door."

The CHAIRMAN. Mr. Poland, please express to His Excellency the Governor the appreciation of the members of this Commission for sending his statement, and please inform him that it will have our most earnest consideration.

Thank you.

The CHAIRMAN. Mr. John Collins.

STATEMENT OF JOHN COLLINS, ASSISTANT REGIONAL DIRECTOR, CONGRESS OF INDUSTRIAL ORGANIZATIONS

Mr. COLLINS. I am John Collins, assistant regional director, Congress of Industrial Organizations, 73 Tremont Street, Boston.

I wish to make a brief statement.

The CHAIRMAN. We will be pleased to hear you.

Mr. COLLINS. Mr. Chairman and members of the Commission, I thoroughly agree with all of the statements that have been made here this morning, but I am full aware of the fact that there are two points which have been neglected. No. 1 is with regard to section 212 (a); that is, that the Attorney General of the United States will have jurisdiction over technical and skilled workers coming into this country.

During the last several years there has been an arrangement and an understanding with the immigration authorities that, when such workers come into an area, the labor organizations in that area work out something as to the advisability of admitting those workers.

As far as I know, there never has been any misunderstanding or any friction between the immigration authorities and the labor organizations. We have cooperated 100 percent.

Now, if this law goes into effect, it is quite possible that you may have friction which may interfere with our economic situation. For instance, it is quite possible at the request of management from a big interest or national organization who want several workers, to request the Attorney General for permission to import skilled workers, and take them into his plant with total disregard to contractual relations which exist between the management and labor. That may have repercussions that may affect our whole economy, because there is one thing I know for a fact: that labor is going to stand up to its contract and they expect management to do the same.

We certainly object to any change in this policy, and we recommend that this be included in any act, even if the McCarran Act is going to be amended, that this relationship be embodied in that effect.

Now, there is another thing which has been neglected here, and that is how an alien can be discriminated against during this strike. It is quite possible that there may be some aliens in a strike in a shop, and that strike may be a tough one and there may be certain acts committed, and there is nothing to prevent one of the immigration authorities or the police force or some other agency to come in and accuse perhaps the fellow or immigrant who was rather active in that strike, and definitely say he was of a radical element and that he should not be allowed in this country, and that he should be deported.

God knows, from our experience in the last several years, it is quite possible that such a thing may happen. All they have to do is find a man is a radical. There is no investigation. They have the evidence that he took part in the strike. It is quite possible, too, before we could help it, that that would happen before he would get his citizenship, and yet he may have attained leadership in an organization, and if he is carrying out the duties of the organization, very often he has got to call a strike or at least he has to lock horns with management, and naturally that would brand him as a radical.

So this act, if not amended, may lead to a serious economic situation, because according to the act the only people with any say whatsoever are the Attorney General, the Secretary of Labor, and the President of the United States. And, in my honest opinion, none of those people is in a position to state definitely what the labor market in any certain area of this country is, and there is no one in any better position than the representatives of the labor organizations in those areas.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Is Dr. Andrew Torrielli here?

STATEMENT OF ANDREW TORRIELLI, REPRESENTING THE EDITOR OF THE SONS OF ITALY MAGAZINE

Dr. TORRIELLI. My name is Andrew Torrielli, 28 Gay Street, Newtonville, Mass. I am here as a representative of the editor of the Sons of Italy Magazine of Massachusetts.

The main reason I am here, gentlemen, is that I am the son of a grateful immigrant. My father in particular wanted me to come. I have no sad speech. He asked me just recently to come. All I can tell you is what I have known through personal experience in this matter of immigration.

My father came to this country before the turn of the century, and throughout his life he has had on his desk a little quotation which I would like to read to you. It is a translation, sir, and not too good. It is a statement by a psychologist, Angelo Mosso, made at Clark University, here in Worcester.

In 1899 he said:

> It is difficult to foresee what will happen in the future, for in the last 50 years the United States has multiplied its wealth five times and tripled its population. No doubt neither its wealth nor its population can continue to increase in similar measure. Even now the momentum seems continually to be decreasing. But, whatever does happen, the now ancient battle cry that America is the asylum of the oppressed of the world will ever in the future shine undiminished midst the stars of its flag. The faith in the equality of man is too deeply rooted: the dignity of labor is too highly respected for those who would combat these sentiments ever to try.

I am here, gentlemen, because I think this act is a triumph of those who would come. My father, as I say, came before the turn of the century. He did very well in this country. He came without a cent in his pocket and did very well. In 1921 he had amassed enough to sell everything he had in this country, take his wife and my brother and me back to what he thought was home. I might say that Professor Handlin and I are old friends; he served on the faculty of Harvard University with me at one time. The book which he has written, The Uprooted, I have one criticism of, and which I have made to him. I don't like the title "The Uprooted."

In the case of my father, who went back to Italy, we moved to a small northern town from which he had come, up in the mountains of Piedmont, near Turin. I shall never forget how we got there in April and there was still snow on the mountainside.

I was 9 years old. We were taken up in a carriage to the base of the mountain, and my father ran up the side of that mountain to get home, he thought. Well, conditions weren't anywhere near what they were in the United States in 1921, in Italy. It took him, even though his mother and family lived there, about 1 month to know that he was not home. It wasn't a matter of not having a gas stove or not having heat. He just wasn't home with the people that he longed for. That man was an American.

We staved about 4 months in northern Italy, and then we moved down to the middle of the Riviera.

One day we were sitting in the public square, and an argument went on at the next table, a political argument. There was violence, and my father packed us on the boat and had us back in this country within 2 weeks. He was starting over again—not as an immigrant. That man felt he was an American; we were back in this country, and we have been here ever since.

His two sons I hope have behaved as Americans; we have done our Army service as such. Wherever I have been, the experiences I have had in the Army—for a long period of time I was commanding officer of the OSS in southern Italy, and in the Balkans—I can say this: That no matter how much money was offered to one, no matter how foolhardy that person was, you couldn't get them to go over the lines and work for us as guerrillas on the other side. There was always one question that those people asked. They said: "Will you get me into the United States when this war is over?"

We said "Yes"; that we would; that we would do everything we could. You remember these people were known as Joe's, and we said then to these Joe's: If you go over and you work for the United States, you can't show any better way than risking your life here that you are not a Fascist, no matter what you say, and that you didn't intend to be a Fascist; you became one because of necessity, but go over and when you come back we will do our best. This war is worth fighting for and is for all humanity and all people, with no distinction. When it is over, we can get you into the United States. The law will let you.

Well, gentlemen, we can't, not even under the present law. If this law become a fact, we will never get them in. These are people who risked their lives, but they were Fascists before that time. They didn't do it for the mercenary reason of money, and not because they were

stupid. I know that most of them did it because they thought they would help humanity and they thought they would get into this country to stay someday. Those people I have known personally.

In my own case, we have dual citizenship. At the time of the Ethiopian war I won an award to go to Europe, a fellowship, to go to Europe to study. I went to the State Department and asked about arrangements, and they said "Go ahead; there is nothing to stop you." I happened to be a Reserve officer at the time and had to get permission from the Adjutant General.

Then he said:

You were born in 1912, and that makes you a deserter from the Italian Army so far as the Ethiopian war is concerned. Go ahead. But you might never get back alive.

So I never did go.

I had friends who had come to this country, who went back and were caught in this affair, and who never did get back. They can't get back as immigrants or otherwise. They are going to stay there. I know Gold Star Mothers, gentlemen, who can't get into this country. They have a Gold Star Mother in the town of Bianca. I have seen her. She will never get in because she can't read or write, and at her age she never will.

I am afraid that what we are doing is building a stockade. I remember the stockades built against the Indians. I remember speaking to Janney, who the chief intelligence officer of the Italian Army when they were making plans with General Halder, the German chief intelligence officer. He had served in the United States. I had not only him but dozens of other high-ranking officers tell me that all they wanted all along, and I can believe some of it, was an opportunity to get into this country, to be friendly with this country and to know this country wanted to be friendly with them.

As I say, having been a professor, I would like to say this: this man has said it so much better than I, and this is Edmund Burke—you remember him from early school books.

In 1774 he said:

The question with me is not whether you have the right to make people miserable, but whether it is not to your interest to make them happy.

I think, gentlemen, we should try to make the peoples of the world happy. Thank you.

The CHAIRMAN. Thank you, Dr. Torrielli.

Commissioner O'GRADY. What is your occupation?

Dr. TORRIELLI. I am a printer at the present time. I have taught at Harvard and Fordham University—romance languages. I hold a Ph. D.

The CHAIRMAN. How old were you when your father went back to Italy?

Dr. TORRIELLI. Nine.

The CHAIRMAN. Did you say your father did not stay long, but came back with his family?

Dr. TORRIELLI. That is right.

I can report that up in those towns the Communist-Fascist fight was going on continually. It was not as we think of it now. With the people in 1921 the Communist fight was much an ideology and they were discussing it much in the way as—I hesitate to say—the Republi-

cans and Democrats discuss issues. But even so, it came to blows. What frightened my father, a man who left that country to seek opportunity, was that the people settled their arguments with blows. He didn't like it for his sons.

Commissioner O'GRADY. What causes them to come to blows?

Dr. TORRIELLI. I think that most of them have that philosophy as human beings. They learn to fight only when they don't have something, or when it is taken away from them, or as in the case of most of the Italians, "anything is better than the situation which they have." It is the sort of thing that leads them to seek illegal entry into this country. It is the attitude they now have and which is reported to me also from my friends. They say there is no use applying, with the quota as it is. They just feel they wouldn't get there until the year 2000, and that they may just as well find somebody they can bribe, and get in, in an illegal way.

Commissioner O'GRADY. Is that particularly true of any section of Italy?

Dr. TORRIELLI. My experience is more with central and northern Italy. I would think it dominates there for the simple reason they have the money to do it; and they do it.

Commissioner O'GRADY. Are they able to pass in this country as good Americans without getting picked up by the immigration authorities?

Dr. TORRIELLI. I can't say that I know any particular individual, but I know of people who have come in on passport visas and just never went back. They would like to be naturalized, and they are good citizens. They don't want to go back and therefore are put in the position of almost criminals.

The CHAIRMAN. Are they here illegally?

Dr. TORRIELLI. That is right.

The CHAIRMAN. Are there quite a number of those people in the country?

Dr. TORRIELLI. I can't say that. I would say that I know of some in Boston.

The CHAIRMAN. There are cases where people have come into the country on transit visas, and later were granted the status of permanently admitted aliens by Act of Congress.

Dr. TORRIELLI. If that is so, I would think we could allow these people to come in on a temporary visa and screen them some way. If they become acceptable later, why not take them in in the first place.

The CHAIRMAN. I think some of them have gone to Canada and Cuba and have then come back in.

Dr. TORRIELLI. There is one thing I would like to say, sir, and that is the sons of Italy gather a lot of money and have tried to build and have built an orphanage in Casino. I was in Casino after the war. One of the items which we gave for it and which brought in a lot of money when we were building the orphanage was a vocational and training school. We poured money into equipment with the one idea that these children would learn a trade which would make them acceptable to the United States and we hope that all this money which has gone into giving them these trades will make them acceptable to the United States.

We know they are acceptable because we actually have requests for them from Argentina and the South American countries. I think they would be good citizens for this country.

The CHAIRMAN. Thank you very much.

Dr. TORRIELLI. Thank you, sir.

The CHAIRMAN. Is Eugene Clapp here?

STATEMENT OF EUGENE H. CLAPP, PRESIDENT, PENOBSCOT CHEMICAL FIBRE CO.

Mr. CLAPP. I am Eugene H. Clapp, president of the Penobscot Chemical Fibre Co., 211 Congress Street, Boston. Our mills are located at Great Works, Maine, and we manufacture bleached soda and bleached sulfite wood pulp.

We have a slightly different facet we would like to present, sir, and it is set out in a statement I should like to read.

The CHAIRMAN. You may do so.

Mr. CLAPP. I repeat: My name is Eugene H. Clapp. I am president of the Penobscot Chemical Fibre Co., located at Great Works, Maine. We manufacture bleached soda and bleached sulfite wood pulp, and we employ approximately 600 people.

Normally, the mills in this area would be represented by Governor Sherman Adams of New Hampshire, who has been the special representative on Canadian immigration of woodsmen for the pulp and paper mills in the Northeast for many years. However, the Governor is helping elect the next President of the United States and therefore, on such short notice, could not be present. I only received notice myself of this meeting yesterday afternoon about 3:20 p. m. I deplore the lack of time given to us to prepare testimony on this important matter.

I cannot claim to represent the other pulp and paper manufacturers in our area, as time was entirely lacking to contact them and to permit them to either submit testimony on their own behalf or to submit their ideas to me so that I might have incorporated them into this presentation. I might say, sir, that this morning I submitted this brief to some of my colleagues at a meeting this morning in the Parker House—the Great Northern Paper Co., Eastern Manufacturing Co., and the Oxford Paper Co.—and they said they would go along with me on this brief. In general, however, I know that we hold identical views, and I can assure you that this is a matter of grave import to all of us.

The Labor Department of the Dominion, Government of Canada, permits 9,900 (9,000 plus 10 percent) men who are skilled woodsmen to leave New Brunswick and Quebec to come into Maine, New Hampshire, Vermont, and New York States. This practice has been accepted and permitted by the United States Department of Labor. These men all are skilled woodsmen, and they come in under bond on application to the United States Department of Labor by the various companies and individual operators. Without these men, it would not be possible to supply the various mills in these States with wood for the manufacture of pulp and paper, because there is not a sufficient supply of local labor available to cut, saw up, peel, or drive wood.

There are various unemployment commissions in the various States, and the lumber and pulp mills and individual operators request labor from these commissions. If they can supply the labor, O. K., but if not, then the Canadians come in. The point is—there is no displacement of any American labor by any Canadian, because this is not permitted in any State.

Even though 9,900 men is the permitted amount, the total number runs between 7,000 and 8,000. They come in through the Department of Immigration and are here only for a 6-month period, and then they must be returned. A continuation of this policy is advised, even more strongly, is imperative. These Canadian woodsmen historically come into the northeastern areas to cut wood, and without this policy the pulp and paper mills in the Northeast would not be able to procure a sufficient supply of wood to keep them in operation. A continued supply of pulp and paper is a necessity for the United States, not only for its economic well-being, but also to supply its defense needs.

I would like to repeat that: That a continued supply of pulp and paper is a necessity for the United States, not only for its economic well-being but also to supply its defense needs.

Mr. ROSENFIELD. Mr. Clapp, just what is the problem you see before this Commission? Is there anything you would recommend for it to do or say in connection with this problem?

Mr. CLAPP. We hope that the present policy will be continued. Unfortunately, I only received word from Maine yesterday afternoon of this meeting. We don't know exactly what your commission is considering and as this is a serious problem with us we did want to voice it; that is, the necessity for Canadian woodsmen to be able to continue to come into the United States into the northeast area because, frankly, there just isn't enough labor there. And we thought we should appear before you to present our brief so that in considering the entire problem you will notice that there is a problem in this area. We think it is imperative that Canadian woodsmen continue to be allowed to come into the northeast area to cut wood if we are to supply the pulp and paper needs of the United States.

Commissioner O'GRADY. Is such a migratory supply of labor stable enough for your needs?

Mr. CLAPP. It is a stable labor supply. I agree with you that it would be nice to settle them on land in New Hampshire, Vermont, and Maine. We have tried settling them at the mills and it has only met with semisuccess.

Commissioner O'GRADY. Do you mean bringing them in on a permanent basis?

Mr. CLAPP. That is right. We have also tried to interest people in going back to the land, but as you know, father, most people today are interested in getting into the urban areas more than going out to the country. We consider that these Canadian woodsmen are a stable supply.

In fact, during the war the Canadians were having a shortage of labor for their own industries and they tried to induce these men who lived up in this general area to go into Canadian operations, telling them that they couldn't go into the United States where they normally had gone for many years, and the men told the Canadian Government

they were either going to work in New Hampshire, Vermont, Maine or New York, as they had always done, or they weren't going to work anywhere.

Commissioner O'GRADY. You say most people are interested in moving to the urban areas today. Is it not true that there is also a movement of people out of the cities today, and would it not be better for your business to encourage a permanent labor supply instead of depending on migratory labor?

Mr. CLAPP. Except they haven't spread quite that far yet. It is true they are moving out of the cities, but still they are moving into areas near the cities rather than far up in the areas of northern Maine and New Hampshire which is pretty far from the center of population. I don't think our suggestion is optimum. I think people could be encouraged by giving them farm lots in the wooded areas and helping them to build homesteads there, thereby giving them some source of income. Maybe some people would then be interested in going back on the land. We have tried it and so far haven't been too successful.

Commissioner FINUCANE. Do you have any reason to believe that this practice of permitting Canadian skilled workmen to come in won't be continued under the new law?

Mr. CLAPP. No, I don't, sir.

Commissioner FINUCANE. Are you just appearing as a matter of precaution?

Mr. CLAPP. That's right, because it is an important matter.

The CHAIRMAN. Do you know of anything in the act which would interfere with your present practice?

Mr. CLAPP. Not that I know of, sir.

The CHAIRMAN. Thank you.

Mr. ROSENFIELD. Mr. Chairman, may I introduce into the record a telegram received from Senator John O. Pastore, of Rhode Island, addressed to the chairman, which reads as follows:

STATEMENT SUBMITTED BY HON. JOHN O. PASTORE, SENATOR FROM THE STATE OF RHODE ISLAND

(The telegram follows:)

OCTOBER 2, 1952.

Under separate cover I am submitting by mail my views on the immigration situation together with a copy of my speech made on this subject in the Senate on May 14, 1952, which is part of the Congressional Record. Respectfully request that both statements be made part of your hearings in Boston for future consideration by the Members of the Commission.

(Signed) JOHN O. PASTORE,
United States Senator.

The CHAIRMAN. That will be made part of the record, and the two statements that the Senator has requested in his telegram be made part of the record will also be inserted at this point when they are received.

(The two statements Senator John O. Pastore requested be made part of the hearings follow:)

Mr. Chairman and members of the President's Commission on Immigration and Naturalization. I deem it a great pleasure to present a statement for consideration by this Commission, just as I deem it a great act of statesmanship on the President's part to appoint this Commission. This Commission needed to be appointed. The study it is making needs to be made.

Our immigration and naturalization laws need not only overhauling but virtual replacement. The heart of our present immigration system is the national

origins quota system. It is a vicious system—bigoted in concept, discriminatory in operation, and self-defeating in execution.

In the course of my discussions of this subject before the Senate early this summer, when I joined other Senators in opposing the McCarran-Walter bill, I condemned the national origins quota system with all the vehemence and vigor at my command. At the time, some of us joined in proposing a plan for pooling unused quotas. That would be a means of taking some of the sting out of the national origins quota system. It would be compromised. But there is no justification for the system itself, in either morality or reason. It is neither logical nor American in its application. As long as you are studying the whole subject, you should address yourselves, I believe, to the root of the matter. The national origins quota system must go. But when we say this system must go, we must also have an alternative, a substitute.

I understand such a substitute was proposed during your hearings in New York by Senator Lehman. The outlines of that substitute were not drawn with finality, but that plan appeals to me as reasonable and sound.

In place of selecting people for immigration to this country on the basis of their birth with this intolerable discrimination against people from Southern and Eastern Europe, why not select people on the basis of their individual worth?

Let us, indeed, have some kind of numerical limit, which could be adjusted from time to time to keep pace with our growth in population. I think that we can easily absorb 350,000 immigrants annually with great profit to ourselves. At the same time, it would provide leadership to other countries which can absorb immigration, and thus provide a haven for the homeless and the needy in Italy, Greece, the Netherlands and elsewhere in Europe.

My idea would be to divide up the total amount of immigration that we permit among various categories. A certain percentage of the total would be for relatives of citizens or legally resident aliens. Another percentage would be for refugees from religious or political persecution. A third percentage would be reserved for hardship cases from countries where there is economic distress or surplus population. A fourth percentage should be reserved and made subject to the discretion of those in charge of our foreign policy, so that we can provide haven for a certain number of people from countries where an emergency need develops. This should be an extremely flexible percentage, as the entire system should be, to some degree, flexible.

I also feel that a final percentage should be left for "new seed" immigrants, from whatever country, who are worthy and deserving on the basis of their character and quality.

Of course it will be necessary to establish administrative machinery to clear all these immigrants, and to make sure that those admitted fall within the categories for which provision is made.

I do not pretend that this is a simple matter. It needs to be studied and worked out in detail. The Commission could make a tremendous contribution by working out the details of such a plan. I trust and hope that it will.

I can think of no more important and vital public service, both for the sake of our foreign policy and our relations with other countries, and for the sake of our own national integrity and national needs.

Respectfully submitted.

JOHN O. PASTORE,
United States Senator.

October 2, 1952.

IMMIGRATION

Speech of Hon. John O. Pastore, of Rhode Island, in the Senate of the United States, Wednesday, May 14, 1952

The Senate resumed the consideration of the bill (S. 2550) to revise the laws relating to immigration, naturalization, and nationality, and for other purposes.

Mr. PASTORE. Mr. President, Congress has long recognized that the United States, in order to combat the forces of international communism, must adopt a twofold program: first, the build-up of internal American strength to the limits of our capacity; and, second, the encouragement of all peoples to join with us in opposition to Soviet domination. Through the revision of our laws governing immigration and citizenship, we are presented with a rare opportunity to push forward to these essential objectives. We have the opportunity,

by correcting many existing defects in our laws, to cement the unity of the American people and to enlist the support of foreign-born persons who would be among the most stalwart defenders of the American way of life. We have the opportunity, by rejecting all proposals which are in violation of our democratic traditions, to demonstrate to all the world that we practice the principles of justice and fair play which we preach.

I rise to speak against S. 2550, the bill presently under discussion, because I sincerely believe that this bill, in spite of the good intentions on the part of its sponsors, fails to do the job that must be done. Instead of responding to the need for modification or elimination of those present provisions of the law which have created so much hardship for American citizens and which have so disturbed our friends in other countries, the pending legislation, with only limited exceptions, actually perpetuates numerous existing recognized inequities. Contrary to public demand, which I myself have experienced, S. 2550 proposes unprecedented new restrictions which tend to infringe upon cherished American rights and plays directly into the hands of Soviet propagandists. In making this assertion, I guarantee to the opposition that I am just as sincere and just as patriotic as they are in making their allegations.

This bill, in the guise of codification, makes many dangerous and unreasonable changes in existing laws controlling immigration, deportation, and nationalities. As four dissenting members of the Judiciary Committee of the Senate have already stated:

"The bill would inject new racial discriminations into our law, establish many new vague, and highly abusable requirements for admission, impede the admission of refugees from totalitarian oppression, incorporate into law vague standards for deportation and denaturalization, and would deprive persons within our borders of fundamental judicial protections."

I have no desire within the course of a single address to discuss in detail the many provisions which would have such an effect. This would be an impossible task because of the complexities of this bill. Therefore, I shall limit my remarks to the general question of immigration and specifically to the problem of the national origins quota system. This is a problem which has vexed our people and our Congress for a long time. It has been resented by many persons who spring from certain stocks because of its discriminatory nature. All that this bill does is readopt and reaffirm that inequity and that injustice, and if the bill is ultimately passed by the Congress and signed by the President of the United States, it will have the effect for a long time to come of perpetuating an injustice and a wrong which I feel now is the time and here is the place to rectify once and for all. And I might add that in the light of America's role of world leadership, this bill is economically unsound, politically unrealistic, and morally indefensible.

If we are to view the present position of the United States in accordance with unbiased historical judgments, we must recognize that our rapid rise to world power during the past 175 years has been based upon an increase in population from 4,000,000 to over 150,000,000 people. Without question, that tremendous growth was largely the result of immigration; except for those few remaining full-blooded American Indians, we are all either immigrants ourselves or the descendants of immigrants of another generation. Traditionally, one of the firmest foundations of our national strength has been the admission and the Americanizing of freedom-loving individuals from all corners of the globe.

The story is not new. It goes back to 100 years prior to 1920 when racists and scaremongers in this country urged that the frontiers for American expansion had closed and that this Nation should restrict the entry of all immigrants, or, at least, certain types of immigrants. In the beginning these pressures were exerted and directed against the Irish and the Germans, and in later years these same sentiments were turned against newcomers from Asia and from southern, central, and eastern Europe. It is a tribute to the wisdom of our ancestors that, for so many decades, they saw through the arguments for limited immigration, and deliberately induced the settlement in this country of refugees from the Old World.

Need I say that the contributions of these immigrants to our national economy, in terms of manpower, of productive capacity, and of our high standard of living, must be calculated in the billions of dollars. The invaluable services rendered by men such as Carnegie, Einstein, and Enrico Fermi are familiar to us all, and the exploits of their lesser known compatriots are similarly meritorious. And where would our victories in wars have been if it had not been for the sons of the immigrants who wore the khaki and the blue? What a coincidence it

is that the wealthiest States in the Union are those where populations include the largest percentage of foreign born. Or are we going to argue now that immigration did not assist in stimulating American expansion to the great heights that it has now achieved.

Of course, we must have limits to our immigration quotas. But let us recognize the fact that these limits must be reasonable, that they must be wise, that they must be just, and that they must be fair. The proposed legislation, on the other hand, ignoring these elementary political and economic truths, is based upon the premise that immigration is a liability rather than an asset to the United States.

In 1924, at a time when antialien feeling was at its greatest, Congress adopted a general immigration law which drastically curtailed the admission to our shores of persons born in other parts of the world. Instead of reconsidering the reasons for such restrictions, this bill blindly would perpetuate the low maximum limit and even lower actual rate of immigration in force under the 1924 statute. I am realistic enough to know that in order to avoid an out-and-out dislocation of our economy, we must have restricted immigration. There must be a reasonable ceiling upon the number of admissions each year in order that those who come can be comfortably and conveniently absorbed in our way of life. But, with equal force, I must contend that the operation of the 1924 law has always been inequitable and is today entirely inconsistent with the best interests of the United States. The sum total of the bill, S. 2550, is to perpetuate that inequity, and its adoption would be a masterpiece of folly.

Since 1929, for example, the annual quota of every nationality has been fixed at a number which bears the same ratio to 150,000 as the number of inhabitants in the continental United States in 1920 having that national origin bears to the total white population of the United States on the same date. In other words, by the Immigration Act of 1924, Congress fixed the figure of 150,000 as an approximation of the number of immigrants whom this country could readily absorb and whose presence would serve the national interest. When the formula set forth in the law is applied, however, more than 65,000 quota numbers are assigned to Great Britain and North Ireland, where there is little pressure on the part of the natives to come to America; while correspondingly few quota numbers are assigned to those nations whose inhabitants have the greatest incentive to emigrate; thus presenting a situation that out of the 150,000 allowed to come, nearly 126,000 quota numbers are alotted to 12 northern and western European countries, and scarcely 25,000 to 18 southern and eastern European countries.

Because of this situation, which I call international gerrymandering, a large portion of the authorized quotas has never been used. As a matter of fact, during the 27 years the national origins system has been in effect, only 44 percent of the possible quota immigrants actually have been admitted into this country. Such conditions have prevented many individuals anxious to gain admission into the United States from so doing and have deprived this country of many persons who could have made material contributions to our manpower potential, productive capacity, and varied culture.

It is time, therefore, that we faced up to the truth that the Immigration Act of 1924, in terms of its announced purposes, has proved to be wholly inadequate. Instead of allowing immigration up to 150,000 persons annually, the figure thought to be appropriate, in practical operation the law has reduced the number of persons entering the United States for permanent residence far below that total to a point which, in many instances, is very much below the intended mark.

Section 201 (a) of S. 2550 substitutes a mechanically simplified formula for the one now in existence, by providing that each quota be one-sixth of 1 percent of the number of inhabitants in the continental United States in 1920 attributable by national origin to that quota area. This in effect does not change the situation as it now exists, a fact which is attested to in the majority report of the committee.

This is my chief criticism of this bill. If we are to codify our immigration statutes, it seems to me that the first order of business should be a correction of such a glaring inconsistency with the objectives of the earlier act, and the elimination of arbitrary and discriminatory barriers set up against certain people.

I am proud to state that the legislature of my own State recognized this inequity and injustice, and, by a formal memorial resolution to Congress, has recommended that any comprehensive immigration legislation adopted at this

time include a provision making the unused quota numbers in any fiscal year available during the following fiscal year to immigrants, in order of priority, who are native to countries whose quotas are oversubscribed.

Mr. HUMPHREY. Mr. President, will the Senator from Rhode Island yield at this point?

Mr. PASTORE. I yield.

Mr. HUMPHREY. As I gather, what the Senator is now suggesting is that when we write a new immigration law, which has for its purpose the recodification of existing immigration laws and the modernization of immigration standards, one essential fact ought to be considered, namely, bringing up to date the population statistics under which immigration quotas are to be established; is that correct?

Mr. PASTORE. That is correct. That is the right way and the democratic way, let the chips fall where they may. I am not saying that it is going to assist any particular nation materially, but it strikes me as being a democratic process. If we are going to modernize our immigration and nationality laws, then let us modernize them in a truly democratic fashion. Let us bring them up to date. How can we say we are modernizing if we continue to use quotas which are predicated upon a census taken in 1920, when, as a matter of fact, a census of the United States was taken in 1950? If we are going to modernize, then let us modernize.

Mr. HUMPHREY. If one is seeking to modernize, I think it would be well to ask, What is the magic in the year 1920? There was a census in 1930 and a census in 1940. The most recent census was in 1950. I think it is fair to say that the base year of 1920 was used because that base was discriminatory upon certain areas of population and certain nationality groups, and placed a preference in terms of quota numbers upon northern European countries, quotas that were unused. Is not that true.

Mr. PASTORE. More than that, it was absolutely unrealistic for the reason that the 1920 census was based upon a pattern which took into consideration what had happened for perhaps a decade or a generation before that time, and did not take into account the changing times.

Certain people who had come to this country in large numbers up to the year 1920 were not affected, because they had been here for a long time. It did not apply to certain peoples of Europe who came in in large numbers until 1920. I say the 1920 census is being maintained in this bill deliberately in order to perpetuate that inequality, inequity, and injustice.

Mr. HUMPHREY. So it is fair to say that this bill is not a modernization of the immigration law. What it amounts to is standardization of a formula arrived at in 1920, based on the 1920 census, and a perpetuation of inequities and discriminatory features which were then in the law, and which have been so sharply criticized for the past 30 years.

Mr. PASTORE. That, in fact, is the theme of my remarks.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. PASTORE. I am glad to yield.

Mr. LEHMAN. I should like to ask the Senator if he does not agree with me that we proposed to do two things. In the first place, we propose to base population figures on the census of 1950, instead of the census of 1920, and to include all inhabitants and residents of this country. That is one thing. Of course, that would mean that instead of 154,000 persons being eligible for entry under the quota system, the figure would be somewhat larger, namely, from 220,000 to 230,000. That is the only change so far as numbers are concerned.

We go one step further, which I think is of very great interest to the country. Today, as the distinguished Senator from Rhode Island has pointed out, there are approximately 66,000 places allotted to Great Britain and Northern Ireland, about 26,000 allotted to Southern Ireland, and a certain number allotted to Germany. But of the 66,000 which have been allotted to Great Britain and Northern Ireland, only approximately 24,000 were used last year. The other 45,000 or more quota numbers have gone to waste. We do not propose to cut down the quota numbers assigned to Great Britain and Ireland. That figure will remain at approximately 65,000 or 66,000. It may go up somewhat if the British population has increased in the past 30 years. However the change will not be substantial, and certainly there will be no diminution.

The only thing we propose is to take the unused quota numbers for Great Britain and Ireland, the differences between 24,000 quota numbers, which have actually been used, and 66,000, which were allotted to them, and place them in a pool, together with unused quota numbers for other nationalities, and permit

those quota number to be used under the formula set forth in the bill. In that way, they will be of some use to people coming from overpopulated countries, which include Italy and Greece, as well as the German refugees who do not qualify under the German quota, but who still are a serious economic problem so far as Germany is concerned. Those are the only changes we propose to make. It seems to me that that is a completely reasonable and fair proposal.

Mr. PASTORE. Lest anyone get the wrong impression, this is not a formula for taking away.

Mr. LEHMAN. That is correct.

Mr. PASTORE. In other words, we are not saying to Great Britain and Northern Ireland that we are reducing their quota. At this point I desire to make a little correction. I think the distinguished Senator from New York made a slip of the tongue. The quota for Southern Ireland, or Eire, is 17,853.

Mr. LEHMAN. I stand corrected. I thought it was somewhat higher.

Mr. PASTORE. Our bill is not a process or formula for taking away. We are not saying to Great Britain and Ireland, "You have had the privilege of sending us, if you cared to do so, 25,000 or 26,000 immigrants annually, and, because you have not done so for the past 10 years, we are going to cut you down to 15,000." In the Humphrey-Lehman bill we are merely saying, "You still have the authority to utilize quota numbers up to the maximum, but if in any year you do not do so, if you do not feel that you can accept our invitation, let us hand that invitation over to some other poor souls who really want to come to American, make their homes here, and contribute to our way of life." In short, it is not a process of taking away. It is a process of utilizing quota numbers up to 150,000.

Mr. LEHMAN. I am grateful to the Senator from Rhode Island for emphasizing and clarifying that point, which is very important.

Mr. PASTORE. During the hearings before the Committee on the Judiciary, representatives from a host of American religious, civic, and social organizations gave their support to this proposal. In my opinion, adoption of the suggestion, without tampering with the total number of authorized admissions, would go far in correcting one of the most serious shortcomings of our present quota system. In other words—and I am not willing to accept this as a fact—even if we go so far as to admit that we cannot absorb more than 150,000 immigrants annually, we should, at least, in order to remove the barriers of discrimination, base our formula on the census of our population in 1950 and not that of 1920. If we are in fact trying to modernize and bring our law up to date, then why use the census of 1920 and not the census of 1950, which is a more realistic and democratic approach to this problem?

As long as it is recognized that immigration is desirable, even though it must be circumscribed, then it also seems wholly logical that we should not prevent the full utilization of authorized quotas through abuse of administrative procedures. Section 201 (c) of this bill, conforming to present law, limits the monthly issuance of quota visas to 10 percent of the total annual quota. Realistically, this means that at the end of the year there is a tragic waste of quota numbers which otherwise could have been used. If we must have a limitation as to the number that can be processed monthly for entry, then in all fairness the monthly limitation should be raised to 20 percent, with no restriction in the last 2 months of the year, so that each quota can be fully utilized.

I may say, as an aside, that it strikes me that Senate bill 2550 is built up in an atmosphere and spirit of hostility and rancor. It seems to be a spite piece of legislation more than anything else. It seems to be intended to close the door in the faces of people, rather than to welcome people to come here and become a part of our American way of life, and make a contribution to peace in the world.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PASTORE. I am glad to yield.

Mr. HUMPHREY. I had hoped that the Senator would make reference to the fact that not only does Senate bill 2550 seek to close the door upon those who desire entrance into this land of freedom, but in the calculation of population it does not count native American Indians. It not only closes the door to the people who want to come in, but it refuses to count the truly native-born people of this country, the American Indians, as a basis for calculating population for immigration purposes. If anyone can offer any justification for such a theory, I should like to hear it.

Mr. PASTORE. Let us make a comparison. Take the ratio which the eligible number of any race who come into the United States bears to the figure 150,000, and set that against the entire population, based upon the census of 1920, with

respect to the same racial strains which wore the American uniform in World War II, and see if the comparison is a good one. I challenge any Member of the Senate to make such a comparison. Take the numbers of the racial strains which we are saying are not good enough to be admitted, are not equal to our citizenship, but are second-class people, and compare them with the sons of the immigrants who came from the same stock, who wore the American uniform, and see what a great deflection we would actually have by comparison. It is easy enough to ask American boys of those racial strains to wear the uniform of this country, to defend the country in war, and to fight for peace; but when it comes to recognizing those races in immigration, we say that they are not good enough, that there are other people who are a little better than they are.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. HUMPHREY. The Senator has given most moving and dramatic evidence of the discriminatory features of the McCarran bill. It is up to the proponents of that bill to justify its equity and its morality. It is a strange thing to note that the proponents of the bill are singularly silent, because the more they talk about this miserable bill the fewer supporters there will be for it.

Let us refer to another thing. I ask the Senator from Rhode Island if it is not true that the McCarran bill provides for no pooling of unused quotas.

Mr. PASTORE. The Senator is absolutely correct.

Mr. HUMPHREY. There is no pooling of unused quotas.

Mr. PASTORE. The Senator is correct. All the McCarran bill does is to continue, reaffirm, restate, and perpetuate a wrong which should have been corrected a long time ago.

Mr. HUMPHREY. Is it not true that the McCarran bill also provides that those who have come in as displaced persons or refugees, many of them from the Baltic countries, many of them refugees from Poland and other countries behind the iron curtain, will be charged up to the quotas of those countries, so that it will perhaps be the year 2000 before any immigrants can come in from those wonderful countries which are now under the heel of Soviet totalitarianism?

Mr. PASTORE. Certain quotas have been mortgaged to the extent of 50 percent. In other words, if 1,000 came in in the year 1949, from a country from which only 100 can migrate annually to the United States, the figure of 1,000 is spread over a number of years, to the tune of 50 a year. As a result, in some cases it would be necessary to go much beyond the year 2000 before it would be possible to pay off the mortgage, so to speak.

Mr. HUMPHREY. In other words, the Displaced Persons Act, which was passed by Congress by an overwhelming majority, is now supposed to be spread out over the years and come under the immigration quotas at least by 50 percent?

Mr. PASTORE. That is correct.

Mr. HUMPHREY. I should like to inquire what would happen if the bill which is sponsored by the Senator from New York (Mr. LEHMAN), the Senator from Rhode Island (Mr. PASTORE), myself, and many other Senators, which provides for the pooling of unused quotas should be enacted? It is not correct to say that it would permit the entry of political and religious persecutees, who have been driven from their homes by dictators and others who deny religious and political freedom?

Mr. PASTORE. Yes; up to 25 percent of the unused quota.

Mr. HUMPHREY. Then there would also be a category for men of special ability, men of scientific knowledge, literary quality, and learning. A percentage of them could come into the United States out of the pooled unused quotas. Is that correct?

Mr. PASTORE. Again up to 25 percent.

Mr. HUMPHREY. A third category would be relatives of citizens, such as parents, brothers, sisters, and cousins. Is that up to 25 percent also?

Mr. PASTORE. Yes.

Mr. HUMPHREY. Then there is the final category, one of special selection, or what could be called new seed immigration, which consists merely of good folk who can qualify.

Mr. PASTORE. Yes; again up to 25 percent.

Mr. HUMPHREY. The fact is that the McCarran bill makes no provision whatever for these particular groups to come into this country under any type of pooling arrangement of unused quotas.

Mr. PASTORE. That is correct. Not only that, but the McCarran bill goes so far as to limit the number that can be processed each month, which cannot be more than 10 percent. There would be inserted in the law a long selective system

on immigration, which would mean more investigations and more administrative work. A consul would be up against it if he were to make a mistake. Anyone who reads the law can be charged with its electricity. It is a law which seeks to discourage immigration, and not to encourage it.

Mr. HUMPHREY. That is correct.

Mr. PASTORE. It does not connote a friendly atmosphere at all. A consul in processing cases will naturally have to be very careful. He will have to make up the proper categories. The Attorney General will have to designate the priorities that can come into the country. Therefore, administratively, it will be utterly impossible to utilize the maximum figure, because it is not possible to process all these cases on the basis of 10 percent each month.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. LEHMAN. It is not a fact that the bill goes so far as to provide that the quotas are limited to 10 percent a month, and that if the 10 percent is not used in a particular month it is not possible to carry forward the unused part to any month in the same year?

Mr. PASTORE. That is correct.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. HUMPHREY. In other words, if 7 percent is used in the month of January it is not possible to carry forward the other 3 percent to February, March, or April in the same year?

Mr. PASTORE. Not more than 10 percent in any one month.

Mr. HUMPHREY. Is it not correct to say that there are times when sailings are limited, and that there are times when individuals, according to the history of immigration, simply do not apply. It is one of the facts of immigration statistics. Therefore, a large number of possibilities for visas are lost for purposes of immigration merely because no one applies.

Mr. PASTORE. That is precisely correct.

Mr. HUMPHREY. I should like to have the Senator from Rhode Island press the point, when we get around to it, and when we can find someone who will defend the bill, if anyone can be found to defend it——

Mr. PASTORE. Or to explain it.

Mr. HUMPHREY. Or to explain it. I should like to have the Senator from Rhode Island find out why the proponents of the bill have refused to count the American Indians in the census. I should like to have him find out why they established 1920 as the population year. They are unwilling to establish 1920 for the purpose of grants-in-aid to States. If we are to use 1920 for immigration purposes, perhaps we should use the same year for the distribution of Federal gifts to the States.

Mr. PASTORE. Or for the purpose of inductions into the United States Army.

Mr. HUMPHREY. Yes. Perhaps even for allocating Representatives, or for purposes incident to other aspects of our Government.

Then I should like to have the Senator from Rhode Island press upon the proponents of the bill the question of what justification they have for a continuation of the discriminatory policies of the 1920 act on the basis of quotas which refer to particular countries. I should like to have the Senator from Rhode Island ask the proponents of the bill whether it is fair and equitable to the people of South and Southeast Europe.

Mr. PASTORE. I am covering that point in my statement.

Mr. President, a moment ago I was about to state that the modification from 10 percent to 20 percent a month is especially necessary because of the complicated system of quota preferences and priorities proposed by section 203 (a), with which I have no quarrel, but which will in processing entail further administrative delays.

While on the subject of authorized quota admissions, I wish finally to suggest that the Senate consider two other proposals for making the regulations more responsive to national needs. First, I believe we should repeal the mortgage on future quotas created by the admission of immigrants under the Amended Displaced Persons Act. In many cases, countries with oversubscribed quotas have had these lists reduced by one-half beyond the year 2000 A. D. Second we should, in view of our increased population since 1920, raise the maximum limit of 150,000 upon immigration to a reasonably higher figure.

Mr. DOUGLAS. Mr. President, will the Senator from Rhode Island yield at this point for a question?

The PRESIDING OFFICER (Mr. HUMPHREY in the chair). Does the Senator from Rhode Island yield to the Senator from Illinois?

Mr. PASTORE. I am glad to yield to the Senator from Illinois.

Mr. DOUGLAS. Do I correctly understand that the committee bill provides that the total number of immigrants to be admitted in any one year shall be equivalent to one-sixth of 1 percent of the population of the United States in 1920, minus the Negro population?

Mr. PASTORE. That is absolutely correct.

Mr. DOUGLAS. Therefore, under the provisions of the pending bill, the figure is to be one-sixth of 1 percent of approximately 94,000,000 people, and therefore would amount to only approximately 154,000 a year. Am I correct as to that?

Mr. PASTORE. That is absolutely correct.

Mr. DOUGLAS. Of that figure, as I understand, 65,000 are pledged to the British quota?

Mr. PASTORE. Yes.

Mr. DOUGLAS. Whereas in practice the British never take more than one-third of that quota, so the unused portion of the British quota amounts to approximately 44,000 a year.

Mr. PASTORE. That is correct.

Mr. DOUGLAS. Am I further correct in my impression of the 25,000 which are pledged to Germany, the ethnic Germans—that is, people of German racial stock, but born outside of Germany—cannot come in under the German quota?

Mr. PASTORE. That is correct.

Mr. DOUGLAS. As a matter of fact, even the German quota has not been used in past years.

Mr. PASTORE. That is correct.

Mr. DOUGLAS. The Irish quota, now, is not used.

Mr. PASTORE. That is correct.

Mr. DOUGLAS. So that while the pending bill would theoretically permit 154,000 people to come into the United States not more than 100,000 a year at the outside would come in; and the number in all probability would be still less. Is not that true?

Mr. PASTORE. I think about 47 percent of the entire available number has been used up over a period of several years.

Mr. DOUGLAS. Of course, that includes the period of depression, when we applied the test that, if a man were likely to become a public charge he would not be admitted, but even if it were used to the full, fewer than 100,000 could enter the country.

Mr. PASTORE. That is correct.

Mr. DOUGLAS. Whereas the proposal which the very able Senator from Rhode Island makes is that we should take one-sixth of one percent of the total population in 1951, which would be approximately 250,000, is is not?

Mr. PASTORE. Perhaps not that much, but about 230,000.

Mr. DOUGLAS. And that if certain countries did not use their specific quotas, the quotas would then be pooled and would be distributed among the people seeking admission, according to certain standards, such as a certain percentage for those who had close relatives who are already in the United States.

Mr. PASTORE. First, persecutees, then skilled workers, then relatives, and then the general file of immigrants.

Mr. DOUGLAS. So that we would obtain the cream of the potential groups trying to get into our country.

Mr. PASTORE. That is correct.

Mr. DOUGLAS. And also those whose circumstances commanded our sympathy.

Mr. PASTORE. That is correct—our sympathy and our needs.

Mr. DOUGLAS. I thank the Senator from Rhode Island.

Mr. MCMAHON. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield to the Senator from Connecticut.

Mr. MCMAHON. The observations of the Senator from Illinois and the answers of the Senator from Rhode Island add up to the fact that the bill as reported by the committee, is a startling instance of legislation based on racism. That is about what it amounts to, is it not?

Mr. PASTORE. And nothing short of that. As a matter of fact, we know what the historical background for the use of the 1920 census was. We know how the idea was born. We know that at that time there was in this country a strong anti-immigration feeling. The process was used which would cut down the figure and which would favor certain groups as against others. But history

has changed that situation. We woke up to find out, in this day and age, that the people whom we tried to exclude were the ones who gave us the sons who helped us win the war.

Mr. McMAHON. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. McMAHON. Is it not true that in the case of the countries about which the Senator is speaking, which have become terribly overcrowded, we have been stifling the hope that a few of them at least might move on to the Promised Land? Is it not also true that by our example we have been discouraging other nations, instead of encouraging them to take more people from overpopulated and overcrowded countries?

Mr. PASTORE. That is one of the big points involved in this proposed immigration legislation. Today we cannot deny the fact that America has assumed world leadership in every field of endeavor. We must recognize the fact that, if we are to avoid war in the future, one of the serious problems to be dealt with is what to do about overpopulation in certain countries.

In the past, what has happened when they have bulged to the seams? When their seams split, we had Mussolini, who tried to expand into Ethiopia; we had another dictator who tried to take more land in order to find a place in which his people might settle. Now, after all, if we are to discourage that sort of thing in the world, we must recognize the fact that countries, which are overpopulated must find places to which their surplus population may go. I know we cannot pass an immigration law which would settle this problem for all the peoples of the world. We could not absorb them in America. No one is saying we should raise the number 150,000 to an astronomical figure. We are only saying there should be a proper proportion, a reasonable increase. But in doing that, let us build up such a psychological condition as will convince other nations of the world that we are on the right side of this problem, and to encourage, say, New Zealand, Canada, Australia, and Brazil to take more and more of the people of depressed and overpopulated areas.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from New York.

Mr. LEHMAN. There can be no question about the correctness and accuracy of what the Senator from Rhode Island has said. We are discriminating against people whose countries confront serious problems, peoples who would make good citizens, peoples whose forebears and whose brothers and sisters have come to this country from Italy, Greece, and other countries, and who have demonstrated that they are good citizen material.

I wonder whether the Senator's mind will go back with me for a moment to realize what we are doing. On the one hand, we say we do not want Italians to be admitted to this country in large numbers, or that we do not want the people from Greece, Lithuania, Latvia, Estonia, and other countries, because of the impact we feel they would cause upon our economy. On the other hand, we are bringing into this country scores of thousands of people from Mexico as contract laborers; we are making all sorts of concessions to the Mexican Government, in order that Mexican contract labor may be allowed to enter our country, to compete with our people.

Furthermore, as we know, and as testimony before the Senate Committee on Labor and Public Welfare, of which I am a member, has demonstrated, last year—and the number probably will be larger this year—between 600,000 and 750,000 so-called wetbacks came across the river from Mexico into the United States. We are doing nothing of any substantial moment to control that situation; indeed, we have cut down, or have proposed to cut down, even the appropriations designated to control it.

The Senator from Illinois [Mr. Douglas] submitted to the bill having to do with the importation of Mexican labor an amendment which would have given power to punish Americans who used wetbacks, knowing that they were illegal immigrants and that they were competing disastrously with our own labor, not only on the Mexican border but as far north as Detroit and Cleveland, and even Minneapolis, if I may say so. Yet we quibble and refuse to permit even a reasonable number of people from certain countries, who could come to the United States as legal immigrants, and who could, as do their fellows from other countries, immediately take an active and prominent and constructive and useful part in our economy.

It is not only discrimination, it is stupid discrimination. It is discrimination which, on the one hand, satisfies some of the basis of racial considerations, but

which, on the other hand, seriously harms our economy. It simply does not make sense to me.

Mr. PASTORE. The Senator from New York will forgive me if I resent the implications and the effect of the use of the quota system proposed by the McCarran bill. After all, I think I have the best mother any man in this world ever had. I had the best father any man in this world ever had, who, I may say, died when I was but 8 years of age. Both my parents were born on the other side of the water, and I think they were as good as the parents of any other person in the world.

Mr. LEHMAN. I agree.

Mr. PASTORE. They were as good as the parents of any Member of the Senate. I resent such a proposed law as this. If I seem to feel strongly on this subject, there is a reason for it. So long as I have breath in my body, and a voice, I shall rise to resist it.

Mr. LEHMAN. Mr. President, if the Senator will yield, I may say that is exactly the reason for the action of the Senator from Illinois, the Senator from Connecticut, the Senator from Minnesota, and myself, together with the Senator from Rhode Island, in introducing the proposed substitute bill. We join the Senator from Rhode Island in deep resentment at what is happening. I am glad to see the Senator aroused and to hear him express his opinion so forcefully.

Mr. McMAHON. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. McMAHON. This is my last interruption of the Senator from Rhode Island. He struck a note with reference to morality. This Nation has the greatest aggregation of power on the face of the earth. We like to say that we possess moral power as well as physical power. Unless the United States gives moral leadership to its physical power, physical power will not long remain in America. It is in concrete ways that we can give expression to the moral purpose which I hope and pray we have. I do not concede that the proposed legislation which is presented to us is a moral proposal worthy of the greatest nation in the world, because it is the embodiment of the doctrine of racism which, if embraced by this country will and can do nothing else but destroy it.

Mr. PASTORE. Mr. President, I regret the fact that the distinguished Senator from Connecticut was not on the floor at the time the chairman of the committee was speaking about the bill. One would receive the impression that anyone who dared to disagree with the bill was allied with the Pinks and the Reds. That is the impression the proponents of the bill are trying to create. Those of us who have hearts and fibers in our bodies can be just as good and patriotic as they are. I do not pretend that I am any more American or any more patriotic than is any other Member of the Senate, but certainly I think I am just as American and just as patriotic as any of them.

Mr. McMAHON. I will say to the Senator that I have no doubt about that; but I have long ceased to worry about the application of standards of patriotism as they are laid down by Members of this body or, for that matter, by the general public, because, as the Senator knows, such has become the fashion that if he, for instance, or I disagree with someone else, more than likely it will be said, "You are thinking impure and subversive thoughts." The growing tendency in America to think that if one has not four buttons or three buttons on his coat when everyone else has, there is something wrong is one of the dangers confronting us in this country. There are some who want a certain uniformity of thinking; they want to govern our thinking. We see evidence of that more and more. So I am not particularly disturbed about being called—I do not know what the name was—"pink" or "friendly with subversives."

Mr. PASTORE. The argument was made that the Daily Worker was opposed to the proposed legislation. I may say to my good friend from Connecticut that I care little for the Daily Worker; I have no use for it or for the philosophy it preaches; but I cannot begin to love the Devil because a Communist hates him. I hate him, too. I do not care who is for or against the bill. But, certainly, because I am against it, it does not prove that I am a fellow traveler. I dare anyone to stand up and say that I am.

Mr. President, at this point let me say that S. 2550 wholly ignores the President's recent recommendation calling for the admission of more European refugees. This recommendation is aimed to meet an emergency situation created by overpopulation in certain parts of Europe and by the flight and expulsion of people from the oppressed countries of Eastern Europe.

The President emphasized, and I agree with him, that this problem affects the peace and security of the free world. In keeping with our long-established humanitarian traditions and also as a safeguard against the infiltration of communism in the western and southern European nations, it is imperative that emergency legislation carrying out the President's program should go hand in hand with any permanent immigration bill enacted at this session.

Under the President's program we would admit 309,609 additional nonquota immigrants over a 3-year period. They would include 117,000 Germans who fled from behind the iron curtain to escape the brutal policies of Soviet tyranny; 117,000 Italians from Italy and Trieste, to alleviate the overpopulation and refugee problems to some extent; 22,500 persons from the Netherlands; 22,500 Greeks; and 21,000 other refugees from communism.

If S. 2550 did no more than continue existing laws which virtually choke off the stream of immigrants to our shores, I would urge that it be rejected. I have no desire to lend my name to the reaffirmation of a formula which I feel is discredited. For, despite the claims of its sponsors, the bill which we have before us is not an innocent codification of legislation which Congress has already approved. Quite on the contrary, this bill proposes a host of unprecedented new restrictions which, without rhyme or reason, would bar deserving and useful immigrants from this country. In the interest of national security, I feel compelled to register my strenuous objections to any such provisions.

Mr. DOUGLAS. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield to the distinguished Senator from Illinois.

Mr. DOUGLAS. Is it not true that the fear is sometimes expressed that if we make the immigration provisions too liberal, then in a period of business depression when Americans are losing their jobs, immigrants will be brought into this country? That fear is held; but is it not also true that under provisions of the Humphrey-Lehman bill it is possible for immigration officials abroad to deny visas to persons who "are likely to become public charges" and that, therefore, in periods of depression it will not be neccessary to have the full 250,000 persons admitted into the United States? Instead the number may be regulated according to economic need and demand?

Mr. PASTORE. That is correct.

Mr. DOUGLAS. That method was used in the 1930's, when the possibility of an alien becoming a public charge was used as an argument to shut off immigration from Europe.

Mr. PASTORE. That is correct.

Mr. DOUGLAS. Therefore, the bill which the Senator is sponsoring is not designed to flood the American labor market. It would permit 250,000 persons to come into this country in a period of full employment. But if we were so unfortunate as to have a large volume of unemployment then the test of whether a person is likely to become a public charge could be applied, and by administrative regulations the total number of immigrants could be reduced. This was done in the 1930's and it can be done again.

Mr. PASTORE. When one becomes a Member of the Senate the first lesson he learns it that he can speak only for himself. I am willing to venture tha assertion that there is not a single person who either sponsors of cosponsors the Humphrey-Lehman bill who would want one alien to come into this country and take a job away from an American. We are not asking for that. All we are saying is that there has been an increase in population and that there must be a constant, slow, regulated stream of immigration, thus getting a little more culture, a little more peace in the world. We are big enough to absorb 250,000 persons if we have to. We do not want anyone to take a job away from an American. If anyone pretends that that is our intention, let him get that mistaken idea out of his mind.

Mr. DOUGLAS. The test of whether a person is likely to become a public charge can be applied in a depression period to reduce the total number and, therefore, to prevent immigrants from taking jobs away from Americans.

Mr. PASTORE. That is correct.

Mr. LEHMAN. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. LEHMAN. No one wants anything to happen that would cause a serious impact on this country. There are many ways in which immigrants can be properly excluded. I read a list of 18 reasons which are invoked continuously for the legal exclusion of immigrants who have applied for admission. But I wonder whether the Senator from Rhode Island was on the floor this morning

when I gave some figures with regard to immigration. I pointed out that the law provides for one-sixth of 1 percent, which would mean that before our population could increase as much as 5 percent it would take 30 years—a complete generation. In speaking of immigration in this connection I am referring of course, to immigration from Europe and from Asia.

It is something which is not understood, but it is a fact, in theory, at least, that immigration from South America, or from the other independent countries in the Western Hemisphere, is without limit. Millions of people could have come in, but they have not, because such people are carefully screened with regard to their ability to make a livelihood. They are screened with regard to their health. But, beyond everything else, most of them do not want to come. Most of them are perfectly content in their own countries.

Today there are 15,000,000 people in Mexico and between 30,000,000 and 40,000,000 in Brazil who are not under the quota. The only peoples involved in the quota system are in Europe, and, to a limited extent, in Asia. The rest of the world is not covered by the quota system. Yet we have not been overrun by an undue number of immigrants from Canada, Brazil, Argentina, Mexico, Peru, or Venezuela. We could be in theory, but are not in practice.

Mr. PASTORE. I thank the Senator from New York for his contribution, because I think it emphasizes a very essential point in the atmosphere surrounding immigration discussions, arguments, and legislation, namely, the scare technique, which is that if we relax one little bit, we are going to be overrun. That is not true at all.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. HUMPHREY. There were some votes in the Senate not long ago on the question of controlling of the wetback invasion from Mexico. It is very interesting to me to note that some Senators who are sponsors of the McCarran bill were the very ones who were not at all exercised or disturbed about whether a million illegal entrants came across the border from Mexico with the resultant loss of jobs by native American workers. I cannot quite understand the logic of those Senators on this issue. Here is a bill which supposedly will put up barriers against legal immigration; yet only a month and a half ago on the floor of the Senate efforts were being made by some Senators to check illegal immigration, and some of the sponsors of S. 2550 voted against our efforts; voted to check our efforts to stop the illegal entry into the United States of Mexican wetbacks, who would destroy the domestic labor market and, at the same time, abrogate the immigration laws. To me, it does not make much sense.

Mr. PASTORE. Another reason why it could not possibly happen is that both bills have selective immigration procedures up to 50 percent.

Under the McCarran bill, persons in the first category must possess skills needed by this country. So a whole group of people would not be coming into an overcrowded economy.

Of course, the same condition is placed in the Lehman-Humphrey bill, but it is made of second priority rather than first priority. As a matter of fact, we give preference to fathers and mothers only through some humanitarian understanding. This is another point which should be emphasized. The whole matter of literacy and illiteracy points up a very important phase of the McCarran bill.

Under present law, if because of circumstances, a parent living in the old country never learned to read or write, yet now, in the twilight of life, desires to come to the United States and make a home with a son or a daughter, such a person could not encroach upon our economy. He or she would be too old to go to work. Such a person would not have to learn to read or write, and would have passed the time to become naturalized. All such a person wants is a home. Our bill would allow such a person to come here and spend the twilight of life in the parlor of a son or a daughter. The present law allows that, but it is proposed to change that practice and to say, "Unless you can read and write English, you cannot come in at all."

Mr. HUMPHREY. Under the McCarran bill not only must they read and write English, but their application is made to the American consul, who rules as to whether a visa shall be issued, and from whose ruling there is no appeal.

Mr. PASTORE. Mr. President, consider for a moment section 222 (a), which requires that an application for an immigrant visa may be filed "only with the consular officer in whose district the applicant shall have established his residence." In general this provision is supposed to insure that a thorough investigation of the alien will take place in the area in which he actually has

lived. Specifically, the provision is intended to abolish preexamination, a method of extending clemency in worthy cases now within the discretion of the Attorney General.

The practice under existing law is to examine an otherwise deportable immigrant, who wishes to remain, to determine the merit of his request, and if such pre-examination is favorable to the alien, he may then go to Canada and there obtain a visa from the American consul for reentry as an ordinary immigrant.

At this time I do not wish to debate the desirability of these objectives, except to mention my grave doubts as to the wisdom of eliminating pre-examination procedures. I do wish, however, to call the attention of the Senate to the effect of the section, as presently worded, upon an entirely different problem in the immigration field.

Briefly stated, section 222 (a) automatically would bar a refugee from a totalitarian nation, who had fled or been forced to flee his homeland, from applying for admission into the United States. A short illustration will demonstrate the validity of this point. Mr. A, an active anti-Communist living behind the iron curtain, is anxious to come to America. To apply for a visa in his native Prague would mean almost certain death, so Mr. A escapes to Paris. Under the proposed provision, however, this action would leave him worse off than before, since he no longer could file his papers in the district of his residence. It will be argued, I assume, that this construction would be an unreasonable interpretation of the language of the section. In response to such a contention, I assert that if an alien from the United States cannot quickly establish a residence in Canada for purposes of readmission, then a refugee from Prague is similarly restricted in establishment of a residence in Paris. This thesis finds ample support in the proposed definition of "residence" in section 101 (a) (33) as one's "principal, actual dwelling place in fact, without regard to intent."

In place of the present pre-examination techniques, section 245 of S. 2550 substitutes a procedure known as "adjustment of status" which drastically curtails the authority of the Attorney General to grant relief in deserving cases. Where pre-examination is available to aliens who did not legally enter as nonimmigrants or who lost their nonimmigrant status, adjustment of status is limited to legally admitted and bona fide nonimmigrants who at all times preserved their original status. Thus, an alien who lost his nonimmigrant status for reasons beyond his control would be barred from relief regardless of the merits of his case. In addition, for the alien to qualify for adjustment of status, a quota immigrant visa must be immediately available to him both at the time of his application and at the time the application is approved. In the case of oversubscribed quotas, these requirements are obviously impossible to meet.

I wish my colleagues would bear me out on this next point, because I think it is a rather important phase which should be discussed.

A second unreasonable provision of S. 2550 is section 212 (a) (25), which, for purposes of immigration, abolishes the present exemption from literacy requirements accorded the victims of foreign religious persecutions, and also accorded close relatives of legally admitted aliens and citizens of the United States. The proposed restrictions would adversely affect only our friends, those who have ties in the United States and look to us for sympathy because they are being hounded in totalitarian lands. At this time, when we are seeking to assist oppressed peoples throughout the world I do not understand why we are asked to eliminate a provision which is founded upon a noble and wholesome humanitarian philosophy.

A third major provision of S. 2550, which I believe worthy of condemnation, is section 101 (a) (26) (F), which drops college and university professors from the class of nonquota immigrants. Actually, the educators who have chosen America as their home have made invaluable contributions to our national economy and culture; indeed, without them we would never have been able to achieve the tremendous advances in technology which have characterized our production in recent years. When we strive by selective immigration to increase American strength, we should not erect new barriers against those who could do most to accomplish that end.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. LEHMAN. As I understand, a professor can now come in to the United States regardless of quota restrictions; but under the McCarran bill he would have to come in under the quota, as the Senator has already stated.

The McCarran bill goes further and recites that he may not come in unless he proves that he is a man of exceptional ability whose services are urgently

needed for the welfare of the United States. That would certainly bar a great many physicists and others who have helped so much in developing our preparedness program. But also it would seem to me to bar a great many persons who have great value in the humanities and the classics. Under that provision I wonder how a professor of Italian literature would qualify, or a professor of Greek, or of art. Probably they could not prove that they were urgently needed, and yet they would certainly add to the culture of this country, and should be made very welcome.

Mr. PASTORE. The Senator from New York is absolutely correct, and I thank him for his contribution. The next paragraph of my address is more or less confined to the very subject discussed by the Senator from New York.

In an attempt to justify the elimination of professors from non-quota status, it has been contended that such persons henceforth would qualify as first preference quota immigrants. This assumption is essentially untrue. Professors would so qualify under the proposed bill only if they could prove to the satisfaction of the Attorney General that their services were needed urgently in the United States. Most professors, like other immigrants, come to this country not because an official of the Government has decided that they would be useful, but because conditions in their native lands have become intolerable or distasteful. Such ordinary professors, under S. 2550, would have to wait their turn as ordinary quota immigrants. The fact that admission of educators under a preference would, in any event, postpone the entry of other worthy immigrants is, presumably, beneath notice.

These three sections which I have mentioned are but a few of the provisions of S. 2550 which would prevent the admission of immigrants who would be particularly valuable additions to our population. The harmful effects such restrictions would have upon American unity, upon the national economy, and upon the role of the United States as the moral leader of the world can readily be predicted. If nothing else, enlightened self-interest demands that the proposed provisions be wholly rejected.

I could go on and on taking apart many other sections in the bill which I believe would have an over-all harmful effect. But to me the distribution of quotas under the Immigration Act of 1924, as continued in effect by the pending bill, is a shocking display of a discredited theory of racial superiority. I respectfully submit that if we are to tinker at all with our present immigration laws, then one of our primary objectives should be to erase that obvious blot upon our national shield as quickly as possible. Yet, despite the gross injustices of its provisions, S. 2550 would make no material change in the operation of the 1924 statute.

Ostensibly, the 1924 Quota Act had as its sole purpose the reduction of immigration to a point consonant with the ability of the United States to absorb this new population. If such control over admissions were the only real goal, however, it seems logical to me that a study of either recent or all immigration statistics would have been made and an across-the-board cut upon the figures so determined would have been the technique upon which immigration quotas were fixed. Such a formula, or any modified version thereof, would have reflected the then current pattern of entry for each nationality group, and would have given appropriate weight to the influx of settlers from areas which had not made substantial contributions early in our history, but whose contributions were constantly on the increase.

This procedure, of course, would have resulted in relatively large quotas for the peoples from southern Europe and consequently was completely intolerable to the racially biased framers of the 1924 act. Instead of an equitable quota system, based upon actual prior immigration figures, therefore, the draftsmen instituted a formula based upon the composition of the American population at the arbitrary cut-off date of 1920, which, in effect, placed severe restrictions upon immigration from southern, central, and eastern Europe in favor of the countries in the northern and western portions of that Continent. As a few comparative figures will illustrate, this formula took into account not only how many individuals from a particular nationality group had ever entered the United States, but also how long those individuals or their descendants had been in this country, thus objectively discriminating against those who were newcomers.

In the period from 1789 to 1924, for example, Great Britain sent to this country no more than 7,000,000 immigrants. For this contribution, that nation was accorded 65,721 quota numbers, of which, incidentally, it uses merely a frac-

tion. In the same period, Italy sent to this country approximately 4,400,000 immigrants; yet, for this great contribution that nation was accorded only 5,802 quota numbers, for which, I might add, there have always been a heavy demand.

At this point let me say parenthetically that I hope the sponsors of the McCarran bill will ascertain how the descendants of those immigrants compare with the number who were in the American Army in the last World War, and how many of those boys were the sons of Italian immigrants.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. DOUGLAS. If the Senator will permit me, I should like to give a little personal testimony on this point. One can never be quite certain about one's ancestors; but so far as I can tell, my people came to this country in 1700. So far as I can trace my genealogy, there is not a drop of blood in my veins that is not English, Scotch, or Scotch-Irish.

I grew up in a Yankee community, where the only person who was not a Yankee was a fruit dealer. I went to a college where I think 95 percent of the students were Yankees. I then went to the city of New York and did graduate work, following which I went to Chicago. I then became acquainted with the populations of southern and eastern Europe. I am proud of my own ancestry, but let me say that these other groups are as fine American citizens as the old Yankee stock.

As I grew older I became acquainted with the history, traditions, and achievements of the Italian people. Probably the greatest genius who ever lived was Michelangelo. Next to him was Leonardo da Vinci. Michelangelo was the most breath-taking painter and sculptor in the history of art, and one of the great architects. Leonardo was a great painter who also tried his hand at sculpture. He was also a great scientist and engineer. In the world of art great achievements were made in the period of the Rennaissance by Italian painters, Italian sculptors, and Italian architects. One of the greatest literary men of all time was Dante. Then there were Boccaccio and Ariosto, and the other great Italians.

The Italian people have a heritage as great as that of the English people. The blood of Michelangelo, of Leonardo, and of Dante still flows in Italian veins. Greek art was perhaps superior to Italian art, and the philosophers of Greece, Plato and Aristotle; and the tragic playwrights of Greece, Aeschylus, Sophocles, and Euripedes, set a standard in literature which certainly has never been surpassed. That blood has not stopped flowing. That blood still flows in the Greek people today.

Therefore, without being self-conscious about this matter I am proud to pay tribute to the simple fact that the people of southern and southeastern Europe are as fine as there are on the face of this globe. They have made a splendid contribution to America as their circumstances, the time they have been here, and the difficulties under which they have labored have all made possible.

Mr. PASTORE. Does not the Senator from Illinois agree with me that we should recognize the wrong that was done by the adoption as a basis of the Census of 1920? At the time it may have been necessary to use the 1920 census. Perhaps when the law was written in 1924 all Congress could go by was the 1920 census, but here we are writing a law in 1951. By deliberately readopting the Census of 1920 we are insulting the boys of the racial stocks of which we talk who wore the American uniform and lie today under white crosses in some American cemetery. If we did nothing else we ought to remove that horrible connotation that is being perpetuated by this bill.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. HUMPHREY. The Senator is making the point that because of the census basis being 1920 for immigration purposes there is discrimination against immigration by southern and southeastern European stock to the United States. I think that is documented by statistical evidence which the Senator has placed in the Record.

Is it not correct to say that some countries, such as Bulgaria, Hungary, Rumania, and Czechoslovakia, are behind the iron curtain? Is it not also correct to say that the real liberty-loving people and the most passionately liberty-loving people have gotten out of those countries, have moved across the borders and are known as expellees or refugees, and are now seeking entrance into the haven of freedom which is the United States as well as other countries? By

reason of the fact that we are utilizing the 1920 base and the fact that we have the preference-clause system in the use of the immigration quotas, is it not true that we are literally locking the door upon those who would seek entrance and who are so devoted to freedom that they have taken their very lives into their hands in order to seek freedom? Yet we immeasurably block the gates to their entrance into the United States.

Mr. PASTORE. My distinguished colleague is absolutely correct.

Mr. HUMPHREY. Mr. President, I wish to pursue this thought a little further. I heard the very eloquent words and accurate description of the greatness of the Italian people, the Greek people, and the other people who made great contributions to the culture of the world.

Let me bring this point down to a parochial level. In the northern area of my State of Minnesota are the great iron mines. Iron ore comes from the great Mesabe, Cayuna, and Vermilion iron-ore ranges. Nearly 90 percent of the iron ore upon which our industrial establishments depend comes from those mines. The men who go into those pits come from Serbia, Croatia, Bulgaria, Hungary, and Rumania. They are Slavic people. They constitute in a way small united nations. Thirty-nine different racial groups live in St. Louis County alone. There are people of Finnish extraction, as well as of Norwegian, English, Spanish, Portuguese, and French extraction. They are all there. We have Negroes and Indians. There are also Moslems.

As I say, it is a little world unto itself. I want the record in the Senate to be absolutely clear that as parents, many of them first generation Americans, those men have contributed to America some of the finest sons and daughters this great country has even known.

I should like my colleagues to know that a greater percentage of the sons and daughters of these immigrants from south and southeast Europe go forward and obtain university educations and enter professional life than from any other stock in our State. These people seek a better life. They build good schools and have fine homes. They build beautiful churches and cathedrals and synagogues. They are good citizens.

I cannot understand how anyone in good common sense can write an immigration bill which in the face of that demonstrable evidence and living testimony—not theory—discriminates against such people, against their blood and against their stock and national origin. It does not make any sense. There is plenty of room in this country for more Italians. There is plenty of room for more Greeks. There is plenty of room for more Hungarians, Austrians, Bulgarians, and Rumanians. There is plenty of room for them if they make good citizens and work in behalf of themselves and a new country.

I would ask the authors of the pending immigration bill to go to the great Statue of Liberty and look at its extending, welcoming arms. I would ask them to read the plaque on the base of the statue. The words were written by an immigrant, Emma Lazarus. The plaque reads:

> "Keep, ancient lands, your storied pomp!" cries she
> With silent lips. "Give me your tired, your poor,
> Your huddled masses yearning to breathe free,
> The wretched refuse of your teeming shore.
> Send these, the homeless, tempest-tost to me,
> I lift my lamp beside the golden door!"

Mr. President, we do not mean it any more, apparently. If we do mean it, we are not codifying it into law. We are saying in effect: "Take the trip if you want to, but we will send you back. You are not welcome. We welcome only a few elite."

Mr. President, there is no such thing as the elite. There is no privilege, except the privilege of ability, not privilege of race or national origin. The sooner we get rid of the nonsensical, outmoded, and aristrocratic notion that some blood is better than other blood, that some skin is better than other skin, we will be better off. That is the curse of this generation, and it is driving us to a very unfortunate position in world affairs.

Mr. PASTORE. I thank the Senator.

Mr. LEHMAN. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. LEHMAN. The Senator, no doubt, will emphasize the fact that in proposing to use unused quotas we are not minimizing or belittling the very great contributions that have been made to this country by Anglo-Saxon stock. We never fail to express our deep sense of gratitude toward that contribution. In our bill

we are not in any way reducing the number of that stock that may come into the United States. As someone has so well said this afternoon, our invitation to Great Britain and Northern Ireland to send 65,000 people still remains. The invitation is a hearty one; it comes from the depths of our souls. We want that immigration. All we are saying is, "If you do not accept our invitation to come to our country, let us issue that invitation to people of other stocks, people from Italy, Greece, and other countries of southern or eastern Europe."

We are not in any way proposing to reduce the number of persons who can enter the United States from England or from Northern Ireland, but we are simply saying to them, "If you do not accept, for reasons which may seem to you to be sound, and which probably are sound, our invitation to enter the United States, let us issue that invitation to other peoples."

Mr. PASTORE. Mr. President, to proceed with my remarks, let me say that these facts sharply emphasize that in terms of contributions, in terms of need, and in terms of waste, the present operation of the quota system based on national origin is as out of balance as a ping-pong ball measured against a steel ingot.

I do not ask that the entire national-origins quota system be repealed. I do request, however, contrary to the provisions of S. 2550, that we take immediate steps to rectify the injustices which it has fostered. One method of so acting would be adoption of the plan for pooled quotas, which I have already mentioned. A second alternative, though of lesser effect, would be to modernize our law by substituting the 1950 census for that of 1920 as the base for the computation of nationality quotas. To retain the 1920 census base, as the proposed legislation does, is to discriminate against those nationality groups whose proportionate contribution to our population has increased during the past 30 years.

Again I refer to the remarks of the four dissenting members of the Committee on the Judiciary in stating:

"When it is understood that recent immigration has reflected (a) love of freedom on the part of the alien, and (b) forces of oppression or intolerable economic pressure in the country involved, the implications of the discrimination must soon become apparent. To discriminate against the immigrants of the past 30 years, at a time when we are battling to win the minds and hearts of the peoples of Europe, is to ignore our friends, to help our enemies, and to intensify population pressures and resentments that endanger the peace."

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. PASTORE. I yield.

Mr. HUMPHREY. The Senator from Rhode Island makes reference to the minority views of the Committee on the Judiciary. Is that correct?

Mr. PASTORE. That is correct.

Mr. HUMPHREY. Am I correct in my understanding that there were four members of the Judiciary Committee who signed the minority views?

Mr. PASTORE. That is correct; and three of them were of the majority party.

Mr. HUMPHREY. Am I correct in my understanding that those who signed the minority views vigorously opposed the passage of Senate bill 2550?

Mr. PASTORE. Precisely; and upon more or less the same grounds we are giving this afternoon.

Mr. HUMPHREY. Since everybody seems to be under suspicion nowadays as to whether he has read this document, would one be fair in assuming that the four members of the Judiciary Committee who signed the minority views possibly had read the bill?

Mr. PASTORE. They must have read not only the bill itself, but the report of the committee, in order to write the minority views.

Mr. HUMPHREY. Is the Senator familiar with the fact that in the minority views the following statement appears?

"The importance of this legislation certainly merited a section-by-section discussion by the committee before final committee action."

I read that from the first page.

Mr. PASTORE. I cannot answer that, but it should speak for itself.

Mr. HUMPHREY. Would it be logical, I may ask the Senator, in view of the statement in the views of the minority that "the importance of this legislation certainly merited a section-by-section discussion by the committee before final committee action," to say that I am correct in deducing that there was no such section-by-section analysis?

Mr. PASTORE. I should say so.

Mr. HUMPHREY. I may remind the distinguished chairman of the committee that last night I read the minority views twice. I have had that privilege, since

I understood that I, too, was brought in as one of the nonreaders. I have also had the distinction of having read the document known as S. 2550, which is, of course, supposed to simplify the immigration laws and to codify them. If, however, it is an example of simplification, then I may say that a cross-word puzzle would be but a straight line. So we may set the record straight, I have also had the privilege of reading the majority report.

Finally, I ask the Senator from Rhode Island whether he feels that organizations such as the National Council of Catholic Women, the War Relief Services, National Catholic Welfare Conference, the National Council of Catholic Charities, the National Council of Jewish Women, the Order of the Sons of Italy in America, the American Jewish Committee, and a dozen or more other outstanding citizens' committees who have opposed major aspects of the McCarran bill may have read it and that their reading of it may be the basis of their opposition?

Mr. PASTORE. Again, I cannot speak for them, but I should assume that they have read it.

Mr. HUMPHREY. At least, if they have not read it to the satisfaction of certain of the committee members, they have read it to the satisfaction of themselves that they found something wrong with it.

Mr. PASTORE. Knowing of the character and integrity of the organizations mentioned by the distinguished Senator from Minnesota, I know that before they would make any comment regarding legislation pending in the Congress of the United States, they, of course, would not only read the proposed legislation, but would study it thoroughly.

Mr. HUMPHREY. Mr. President, will the Senator from Rhode Island yield for but one further observation?

Mr. PASTORE. I yield.

Mr. HUMPHREY. Does the Senator believe that the San Diego Council of Churches, for example, which opposes this bill, might even have taken a fleeting glance at it? Indeed, would it be fair to assume that, before an organization such as the San Diego Council of Churches expressed its opposition, it would have read the bill? Would that be a fair conclusion?

Mr. PASTORE. I think the Senator may state that as an assertion, rather than as a question to me; because I think that is so.

Mr. HUMPHREY. I may say the Senate rules require that interruptions be in the form of questions. I am aware of the fact that some of us might be put on the spot by the rules. Furthermore, I am sure the Senator would be interested in knowing that a great magazine, the national Catholic publication known as America, in one of its leading editorials, on May 10, 1952, contained an article entitled "How To Amend the McCarran Bill." That article attacks the bill in no uncertain words, and points out its severe limitations.

I think the Senator would also be interested to know that the Right Reverend Monsignor John O'Grady, of the Catholic Welfare Conference, has a leading article in the Homiletic and Pastoral Review, of May 1952, attacking the McCarran bill. I have dozens of such articles and editorials, all attacking the bill. I think it fair to presume that these distinguished Americans, these loyal Americans, these good citizens, have read the bill, and that they do not like it; and I happen to concur with their viewpoint. I consider it to be fair to assume that when people discuss and debate legislation they may have read that which they are discussing.

I thought the Senator from Rhode Island made a very telling point when he said that when one is being told that he has not made a very cogent argument, it would be presumed that the person expressing that particular point of view would have been present to hear the argument, or else that he had crystal-gazing, or prophetic abilities to judge what the argument was, without having heard it.

Mr. LEHMAN. Mr. President, will the Senator from Rhode Island yield for an observation?

Mr. PASTORE. I yield to the Senator from New York for an observation.

Mr. LEHMAN. Mr. President, I should like to point out to the Senator from Rhode Island that the Senator from Nevada made the claim or the assertion that I had neither read nor studied the bill. I denied that categorically. I assured him that I had both read and studied the bill. He persisted in his statement that I had not read the bill; which, of course, under the rule I could have resented and could have caused the Senator to take his seat; but I do not believe in the rule, and therefore I did not raise the question.

So that there may be no misunderstanding and no misapprehension whatever, I desire to say to the distinguished Senator from Nevada and to my col-

leagues in the Senate that I have read the McCarran bill. I read it carefully at the time it was introduced. I have spent countless hours since then studying the bill. I have worked hard with my colleagues in the preparation and submission of the so-called Humphrey-Lehman bill, but I have studied for several weeks each provision of the McCarran bill to which I took exception. I believe that I covered the field pretty thoroughly in my speech on the floor of the Senate yesterday, and in many colloquies today. I want no misunderstanding about it. I believe that I know what is in the bill. I believe that I know what the objections to the bill are. I have expressed myself.

Certain provisions of the bill are so decidedly without rhyme or reason, and so completely illogical, in my opinion, that I sought explanation from the distinguished Senator from Nevada, as Senators know, on at least eight occasions. I intended to put to him in good faith questions for my own enlightenment and for the enlightenment of the Senate. Unfortunately, my requests were rejected. But I make this observation in order that there may be no question in the mind of anyone that the Senator from Nevada is without justification and without reason in making the statement that I have not read the bill and that I am unfamiliar with the contents of the bill. I have read the bill, and I am familiar with its contents. Finally, I thoroughly disapprove of many phases of the bill.

Mr. PASTORE. Mr. President, in conclusion, I submit that these intolerable conditions must not be allowed to continue. If we are to accept the arguments of the sponsors of the McCarran bill at face value, it is clear that this is an attempt to establish a permanent philosophy and a permanent program for our immigration procedures. This law would only tend to perpetuate the inequities and the injustices, the correction of which has long been overdue. It would arouse resentment on the part of many good patriotic Americans who would naturally feel the impact of this discrimination. Consequently, it would tend to weaken the national economy and undermine the unity of the American people, which is ever so important, especially at this time.

For myself, I am opposed to S. 2550, and I shall use the power of my vote to prevent its enactment.

The CHAIRMAN. Is Professor Coryell here?

STATEMENT OF CHARLES DU BOIS CORYELL, SECRETARY OF THE FEDERATION OF AMERICAN SCIENTISTS

Professor CORYELL. I am Charles Du Bois Coryell, professor of chemistry at the Massachusetts Institute of Technology. I am testifying as the secretary of the Federation of American Scientists, which is a national organization.

I do not have a prepared statement, but I wish to make some observations concerning this problem.

The CHAIRMAN. We shall be pleased to hear you.

Professor CORYELL. As I see the framework and as I notice in the President's letter covering the forming of this commission, you are to consider the problems beginning with the admission of aliens. In my duties in the association I have become rather heavily concerned with the problems of visas for scientists. Now, the visa is a very small problem of the present McCarran-Walter Immigration Act, but this act changed the previous situation, which was not in very good shape, by excluding the category that formerly included scientists and ministers. There is in the present act a possibility of an unstated number up to a fraction monthly quota in the national interest. My chief function here today would be to draw attention of the committee to the fact that the visa situation is certainly part of the immigration and naturalization process, and in the field of the professional man, the man in religion, law and, particularly in the universities, the professors both nonscience and science that we now have in here of foreign birth. These bulk large in our national process. Practically none

were born here but first came in as students on student visas or with an exchange visit visa being their first contact.

Therefore, one must consider that even temporary visas are in the long term convertible, or should be considered potentially convertible in our interests in the ultimate accumulation of these men in our stocks. Consequently, the visas are of concern. I would like to give you a copy of this report in the visa situation prepared by Professor Weisskopf, for whom I am also speaking. I shall be glad to mail forward more copies. I only brought two with me today.

The CHAIRMAN. Is that just directed to the visa situation, as of last May?

Professor CORYELL. Yes; it has improved somewhat and its future under the new act is not known to me, and I beg you consider this as part of the problem for consideration.

The CHAIRMAN. Who is with you?

Professor CORYELL. Dr. Judy Bregman.

Mr. ROSENFIELD. Have you had any experience which might enlighten the Commission in terms of the effect of the general immigration law on the development of scientific progress in the United States, or the relationship among scientists both in pure and applied fields?

Professor CORYELL. I think this: that I have been active since the end of the war at MIT in the group of nuclear science, and I would say that half of the progress was due to the presence in our group of visitors from abroad, or men newly immigrant from groups abroad, and we have had serious problems at all times to keep the visa situation in line with the rather diffuse law and the curious problem and difficulty of making exchange visas tranformable into permanent visas.

Mr. ROSENFIELD. Are you saying that the immigration law, insofar as it relates to science, does have a very definite effect on the development of science and upon our own national security?

Professor CORYELL. Yes, that is certainly true. As I see it and understand it, the laws covering the visa and immigration act were designed in 1920 for preventing the labor market from being flooded. No man who came in contrary to visa could stay without going back to the country of his origin. This is serious, and at the start of the war I have seen cases of that. The restriction of visas with application of the McCarran Act are much more serious. It is very difficult for a man living under totalitarian rule or occupation. There is very great difficulty for many people ever to come into the United States because they have accidently belonged to organizations like the French Association des Travailleurs Scientifiques.

After 6 months ago, as far as we could tell, not even a man or member of that organization could come into the United States, and approximately 70 percent of the French scientists belonged to that organization since the war for short or long times. The limitations have also been serious in consequence here and abroad. Although the Attorney General has the option to admit such an applicant temporarily, it puts the man who applies in a deprecatory light. I think of prominent scientists invited here, but because of activities in the past that they are now free of, still they cannot come here under the law.

I might also point out that the American Psychological Society decided that they could not hold their meeting in the United States and held it in Toronto. The University of Chicago decided not to ever try

to hold the International Congress on Nuclear Physics in this country in spite of the fact it had assistance from the Office of Naval Reserve and Atomic Energy Commission to get people in.

Commissioner O'Grady. From your point of view, would you advocate that scientists be admitted into this country on a nonquota basis?

Professor Coryell. I would like to say for myself, personally, I don't feel as a scientist that I deserve undue distinction. I would like to see this thing handled more largely from the standpoint of professors and with particular preference to education.

The Chairman. If I understand correctly, you are also interested in the application for visas made by those asked to come over to take part in seminars and to deliver lectures?

Professor Coryell. Yes. This is my statement as an individual and not as otherwise.

Commissioner Fisher. In terms of scientists other than in France, have there been similar cases?

Professor Coryell. The situation has been similar, except in France the Department of State apparently took one of its deciding points. This one organization which caused the exclusion of so many. It is very bad from Great Britain, but not as bad as France.

Commissioner O'Grady. Suppose a scientist belongs to Fascist or front organizations for any time——

Professor Coryell. I think it must be shown that he is nonpolitical and nondamaging to the United States.

Mr. Rosenfield. Would you and your organization help this Commission by giving a memorandum to us concerning some of these kinds of cases with the actual facts? Perhaps you could illustrate the problems both in long range and short range that you have been telling the Commission about?

Professor Coryell. I have a four-page document prepared by Prof. Victor F. Weisskopf which surveys the problem, and copies have also been attached of letters from 20 people whose cases enter into the survey. I will provide more copies so each member may have one, if you wish. I am leaving this and will send to you in Washington about a dozen more for your use. I would be glad to give further service in Boston or Washington.

The visa situation is somewhat better now than the report of Professor Weisskopf shows here, due to the effort of scientific advice, or to the Secretary of State and his representatives in Stockholm, Paris, and London; but this handles or represents just the State Department and doesn't handle the long-term problem.

Mr. Rosenfield. To your knowledge, how many cases of scientific applications were held up?

Professor Coryell. The number of scientific cases known to us is well over 200. We have very poor facilities for sampling the whole. The people we have in personnel are not adequate. Our federation has tried to get statistics on it.

Commissioner Fisher. One of the things you said earlier would be well to clear up. If the provision in the law giving the Attorney General discretionary authority to admit temporarily or otherwise inadmissible persons is used with discretion, judgment, and speed, would that not be a solution?

Professor CORYELL. Such a course for admission has been turned down by a great many men. I personally would do the same. I would hate to have it that way. They do not want to compromise, and it looks as if it is designed for criminals.

Commissioner FISHER. What makes them feel that way?

Professor CORYELL. It was designed to bring in—it is a provision that has been used rarely and in scientific circles no more than two or three a year. I think of none, but maybe some were brought in for special military purposes.

It is used very rarely and is reported to Congress by the Attorney General. It is not clothed with dignity. If I may draw particular attention to a letter from Jacques Monod, the second letter in this group prepared by Professor Weisskopf. He gives a very moving statement about it.

Thank you.

The CHAIRMAN. Thank you for coming. The report of Professor Weisskopf with its accompanying letters will be inserted in the record.

(There follows the report of Prof. Victor F. Weisskopf on behalf of the Federation of American Scientists:)

REPORT ON THE VISA SITUATION

(By Victor F. Weisskopf, for the Federation of American Scientists, May 1952)

Since the end of the war it has been exceedingly difficult for foreign scientists to obtain visas to enter the United States. The difficulties are generally attributed to the McCarran Act, which contains severe restrictions on the granting of visas. Actually, although the situation has deteriorated badly since the act was passed in 1950, there had, in fact, been much difficulty obtaining visas before its passage. Scientists, as a group, have had a great deal more trouble than other groups. Among scientists, physicists, and indeed all those whose fields are believed "atomic" in the minds of nonscientists, are particularly affected. At present it seems that at least 50 percent of all the foreign scientists who want to enter the United States meet some difficulties. The figure is higher for French scientists, when it may reach 70 or 80 percent.

The difficulties experienced are as follows:

(1) *Delay.*—The time between application for and receipt of a visa has been at least 4 months, and in many cases as long as or longer than 1 year. It has been much longer than first predicted by the consular agent. This delay has made it very difficult for foreign scientists to attend scientific meetings in the United States, since invitations usually are not sent out more than 6 months in advance.

(2) *Refusals.*—In many cases, the granting of visas was not only delayed but actually refused. In general, the reasons have not been given, although they can be inferred from the type of questions which have been asked during the procedures. Political activity suspected of being unorthodox by present United States standards appears to be a frequent cause for refusal. There are many instances in which the scientists whose visas were refused are well known for their opposition to the Communist ideology. For example, Professor Polanyi of Manchester, England, did not receive a visa although he is well known to be an anti-Communist and has written a series of articles very strongly against the Communist ideology in science and economics. Details of this case are contained in a letter appended to this report.

In France, almost everybody who was or is a member of the Association des Travailleurs Scientifiques has consistently been refused a visa to the United States. Unfortunately, about 70 percent of the scientists in France are or have been members of this organization. It has never been subversive or communistic and includes among its members all shades of political colors. The probable reason for blacklisting this association is the fact that F. Joliet was its president for 1 year after the war.

(3) *Questionnaires.*—Every scientist applying for a visa is asked to fill in a form in which he must list those organizations with which he has been associated

for the last 15 years as well as all his addresses and professional connections in this period. This is even required for a visit of only a few weeks' duration to attend a meeting. The questionnaire is supposed to be signed under oath. Such procedure is repugnant for any applicant. Furthermore, it is very hard to remember every detail in the turmoiled times of the last 15 years, and any omission or any error could be interpreted as perjury.

(4) *Interviews with consuls.*—Apart from this questionnaire, most of the applicants are subjected to a rather intense personal questioning on details of associations, of political beliefs, and political attitudes. Questions like: What do you think of the United States policy in Korea; What's your stand toward the NATO; are not infrequent. Even inquiries as to which party the applicant has voted for have been reported.

The total number of refused or indefinitely delayed visas which have come to our attention is about 60, and the indications are that the actual number is at least three times as large. The following well-known names are a few from among the foreign scientists who have applied for visas and were refused:

Prof. E. B. Chain, Nobel-prize laureate, codiscoverer of penicillin, British citizen, member of the U.N. Health Commission. Probable reason: several trips to eastern countries as an official of the Health Commission in order to promote penicillin production.

Prof. A. Kastler, physicist in France. Probable reason: membership in the Association des Travailleurs Scientifiques.

Prof. Jean Lecompte, spectroscopist in France. Probable reason: membership in the Association des Travailleurs Scientifiques.

Prof. H. S. W. Massey, physicist, England. Reason unknown.

There are a number of important scientists in Europe who have in one connection or another expressed sympathy for some ideas commonly associated with the radical left or have participated actively in the Stockholm Peace Appeal. Among this group are quite a few who have contributed fundamentally to the progress of science, and an exchange of ideas with them would be a decisive help to our own scientific activities. From any rational point of view, the admission of these scientists to the United States cannot be a danger, since their attitude is well known and effective measures can be taken to prevent them from access to secret material. At present, however, it is expected that they would be refused visas; and for this reason, they are in many instances no longer even invited to meetings in this country.

The detrimental consequences of this policy are listed below:

(*a*) It is contrary to the fundamental principles of our political philosophy which is based upon openness and freedom of information and movement. Any exclusion of people from this country on grounds of their political ideas should be kept to the absolute minimum and applied only when obvious danger exists of an abuse of the visit for conspiratorial purposes. The present restrictive visa policy goes far beyond this minimum and, therefore, runs counter to our own political standards. We are undermining our basic ideas and principles with these actions and, hence, they must be considered as a grave threat and a serious source of danger to our society.

(*b*) It is harmful to United States science. Today it is practically impossible to hold international meetings in the United States. This deprives United States scientists of a very important medium for the cross-fertilization and exchange of ideas. These meetings and subsequent visits which foreign scientists make to American institutions are the only possibilities for exchange of opinions and ideas between foreign scientists and the bulk of our scientists. It is obvious to anyone who knows scientific life that the personal exchange of ideas is a most important way of productive work. The mere reading of foreign literature can never replace the personal give and take, seminars, discussions, and actual collaboration. International exchange of ideas and discussion is indispensable because details of scientific research are never written down in the actual publications. Frequently, only conversation can reveal a special technique or a special instrumental design which foreign scientists have used to make their experiments work. Only their presence can help our own scientists to put these experiments into use for discoveries for the development of our programs. There is a long list of discoveries which can be traced directly to international gatherings. Indeed, some of these discoveries had direct application to the production of weapons such as radar or the atomic bomb.

(*c*) Scientific life in Western Europe is also harmed. The cutting down of visits of European scientists to the United States has an equally strong, if not stronger, damaging effect on the scientific life of Europe. The cross-fertilization

is even more important for them than for us. It is an essential step in the education of a foreign scientist to spend some time at an American institution, to become acquainted with the type of instruments which we are using here and techniques which we have developed. It will enable him to understand American scientific literature and put the results to his own use. If the stream of visiting scientists from overseas is cut, the development of present European science will be seriously impaired.

(*d*) The position of the United States abroad is seriously weakened. American scientific creativeness and productivity are two of the strongest sources of American reputation abroad. In spite of all attacks upon the United States of America abroad, American science is still considered to be the most rigorous, creative field of American culture. The present visa policy is strongly cutting into this reputation; not only does it prevent many foreign scientists from personal observation of American science, it also establishes a prejudice against it and a feeling of opposition. This effect has strong political implications. It is our policy to emphasize that the United States is an open country in contrast to Russia, that it has nothing to hide and that, in contrast to the Russian iron curtain, we are free and open to those who may criticize us as well as to our supporters. By means of the visa policy we are erecting on our side what French scientists have referred to as the "uranium curtain." We must not forget that the scientific and intellectual groups in Western Europe have relatively larger significance for the formation of public opinion than similar groups in American society. If these groups are alienated and given the impression that the United States of America is a closed country which does not permit visitors to represent their own countries, European opinion will be strongly influenced against the United States. We are strengthening a growing attitude which considers America and Russia both equally evil powers to be feared. The type of questioning and the grilling which accompanies our present visa procedures have been compared by many foreign scientists to similar methods used under the Nazi occupation or used by the Soviet bureaucracy. It is this looking into the private lives and interfering with the personal beliefs of citizens which made the totalitarian regimes so hated in Western Europe.

At the end it may be worth mentioning that among the group of foreign-born scientists in this country who contributed decisively to the success of the atomic bomb development, there are many who would have great difficulties obtaining visas if they applied now. Most of these people have spent some time either in Russia or in eastern European countries.

A few articles and letters from foreign scientists which may illustrate the situation are appended.

Statement on the Question of the Visas Requested by French Physicists in Order to go to the United States

(By M. Louis Leprince Ringuet, Member of the Academie des Sciences, Professor at L'Ecole Polytechnique, 17 Rue Descartes, Paris 5)

For the past months the requests for visas to go to the United States made by French physicists have not been granted in a reasonable length of time, that is, in a time compatible with a schedule organized reasonably in advance.

Thus, a French physicist is to go to a scientific congress in the United States which meets at a specific date; he starts making preparations several months ahead and requests a visa, reserves a place on a boat and makes all the necessary arrangements, but his visa does not arrive on time, and he must cancel everything.

Another example: A physicist is invited to visit an American university for several months or a year; this visit can occur conviently at one particular time determined by the various commitments imposed by the work or teaching in France and also by the nature of the academic year in the United States. The visa does not arrive, although requested some months ahead.

Hence, many French physicists who would like to have contact with their colleagues in the United States are no longer willing to make the request, since the resulting formalities will complicate their lives with a problematical result for the desired date.

We are often ignorant, moreover, of the reasons for these delays, in general they are not indicated to us. If it were a question of a very long delay, but a sure outcome, one could, if absolutely necessary, take the appropriate measures despite the difficulties of planning a very long time ahead.

But this is not the case: Conversations with the American officials often raise hopes that visas will be granted after a short period, and this impression

is repeated at each request for a complete inquiry. The result is quite disagreeable, and the applicant has the real feeling of being a suspect who is put off from week to week; the more so because he receives a long interrogation as if before a police magistrate. This state of affairs seriously impedes the possibilities of contact with scholars in the United States and is most detrimental for science.

One can specify that among the well-known physicists the Professors Jean Lecompte (infrared), Kastler (magnetic resonance), and Mlle. Perey[1] (discoverer of francium) were not able to go to the United States last year. It seems, in particular, that the fact of membership in the Association des Travailleurs Scientifique is a serious obstacle; but I can say that the very great majority of French physicists belong to this group, quite irrespective of their political opinions.

M. Lecompte, for example, was personally invited to participate in the congress held in Columbus, Ohio, in June, 1951, by its president (Prof. H. H. Nielsen) and was given a series of lectures which were anticipated by American scientists.

Lastly, the multiplicity of instances of delay produces a deplorable effect on French opinion: There is talk of it in the newspapers and the substance of the comments can only be injurious to the opinion that the great majority of French people hold of American democracy. I have even had occasion to see the expression "iron curtain of the West" quite widely applied to the United States, although "semipermeable wall" might be more appropriate when speaking of physicists.

[Copy of a letter]

From: Prof. Jacques Monod, Institute Pastour, Paris, France.
To: M. Larkin, United States Consul, United States Embassy, 2 Avenue Gabriel, Paris, France.

MY DEAR MR. LARKIN: This letter is meant as a conclusion to the conversation which we had last Wednesday on the matter of my application for a United States visa. I have considered this problem very seriously in the light of the information which you gave me that, under the provisions of the Internal Security Act of 1950, I must be considered an "inadmissible alien" because I had belonged to the Communist Party from 1943 to 1945. To my regret I have come to conclude that I could not follow the course, which you suggested I should take, of applying to the Attorney General for special permission to enter temporarily the United States.

In view especially of your extremely courteous and helpful personal attitude in this matter, I feel that I should explain in some detail the reasons which have led me to this negative decision. These are twofold.

To begin with, my proposed trip to the United States was planned, you may recall, in answer to invitations extended to me by the American Chemical Society and by the Harvey Society. However much I appreciate the honor entailed in these invitations, as well as the pleasure and fruitfulness of a scientific visit to the United States, I cannot put these in balance with the extremely distasteful obligation of personally submitting my "case" to the Department of Justice, and of having to ask for permission to enter the United States as an exceptional and temporary favor of which I am legally assumed to be unworthy.

The second reason is that I am not willing to fill in and swear to any biographical statement of the type apparently required for this application. This refusal is not based on abstract principles only, but on a sad and terrible experience: This kind of inquisition was introduced into the French administration under the occupation. I will not submit myself to it, if I can possibly avoid it. Furthermore I feel quite sure you realize that such questions as "State name of all organizations of which you have been a member since 1918 or to which you have given financial or other support, giving dates of membership and dates of contributions" cannot be answered both fully and truthfully. It is unfair to demand a detailed sworn statement when the slighest omission such as the date of a contribution might make one technically liable to a charge of perjury. You will also realize, I believe, that such statements, should they fall into the wrong hands, might conceivably be used as a source of information. The mere pos-

[1] Mlle. Perey finally received her visa, but too late to attend the meeting to which she had been invited.

sibility of this would make it impossible for me to submit one, even though I knew that mine would be most uninteresting. The fact that I have been completely estranged from my former political affiliations makes this even more impossible.

This being said, I should like to add that I did not reach this decision lightheartedly, as I fully realize that it means cutting myself partially away from a country which I love, and to which I am attached by very strong links. Not only am I half American, but I have many very close friends in your country. I have learned by experience to respect and admire American science. Indeed, I owe much to several American scientific or other institutions, such as the Rockefeller Foundation, and I may perhaps venture to say that, as a scientist, I have had more recognition in the United States than in my own country.

However, all this is strictly personal and I would like to mention another more general aspect of these problems. Scientists themselves are quite unimportant. But science, its development and welfare are overwhelmingly important. Isolation is the worst enemy of scientific progress. (If proof of this statement were needed I would point to the strange and profound deterioration of Russian biology in recent years.) Measures and laws such as you are now obliged to enforce, will contribute in no small extent to erecting barriers between American and European science. I do not pretend to know whether or not such measures are justified in general, and in any case I have no right to express an opinion. But I can say, because it is a plain fact, that such measures represent a rather serious danger to the development of science, and that, to that extent at least, they must be contrary to the best interests of the United States themselves.

Thanking you again for your courteous help, I remain,

Sincerely yours.

JACQUES MONOD.

[Copy of a letter]

From: Dr. Manuel Sandoval Valarta, Instituto Nacional de la Investigacion Clientifica, Puente de Alvardo No. 71, Mexico 3, D. F.

To: Prof. V. F. Weisskopf, Department of Physics, Massachusetts Institute of Technology, Cambridge 39, Mass.

MARCH 25, 1952.

DEAR VIC: I have your letter of March 19. For your information and that of the committee of the Federation of American Scientists, the following résumé is submitted of the events leading up to the trouble we had about attending the meeting of the American Physical Society in Houston last November.

I was invited by the society to deliver a lecture at the meeting and to be one of the after-dinner speakers at the banquet. Further I was asked to choose among my students and collaborators a few who had papers ready for presentation. Upon inquiry it turned out that three of them, all members of the society, had papers ready, so titles and abstracts were sent in due time and printed in the Bulletin of November 30, 1951, as follows: On the Anomalous Magnetic Moments of Nucleons, by Fernando E. Prieto; Time Dependent Description of Resonance Reactions, by Marcos Moshinsky; Fourth-Order Effects in Vacuum Polarization, by Juan de Oyarzabal; The Enegy Spectrum of Primary Cosmic Radiation as Determined from Neutron Intensities, by myself. The title of my invited paper was "Recent Research in Cosmic-Radiation and Radio Waves Emitted by the Sun."

Of the four of us who had made ready to attend the Houston meeting two, i. e. Oyarzabal and Moshinsky were unable to get their travel visas at the United States Embassy here. Upon learning of this, the third, Prieto, who obtained his without difficulty, made up his mind that he would not go without his friends and colleagues. For my part I felt very strongly that I could not leave all three of them behind and go all by myself, particularly because all three of them are working with me and I knew nothing derogatory of them.

So far as I know, their cases are as follows:

(1) Juan de Oyarzabal, a Spaniard by birth and a naturalized Mexican citizen for about 10 years, was a naval officer during the Spanish civil war. As you may remember, the Spanish fleet remained loyal to the Republic during the war and so did he. At the end of the war the fleet surrendered to the French at Bizerte and the crews were interned at a concentration camp in southern

Tunisia, he with them. His aunt, Mrs. Isabel de Palencia, was at that time the Spanish Republic's ambassador to Sweden and she prevailed on the Swedish Prime Minister to do what he could with the French Government to secure her nephew's release. In the summer of 1939, Oyarzabal was freed and proceeded by way of France and Denmark to Sweden, thence to Mexico by way of the United States. He has lived here since and, except for an Association of Former Spanish Combatants, which was reported to be infiltrated with Communists and to which he belonged for a time just after he came to Mexico, he has not been affiliated with left-wing organizations of any kind, political or otherwise, has not attended any peace congress or signed any peace declarations. He has worked with me in cosmic rays and quantum electrodynamics since 1944. When he applied for his visa, he was asked the purpose of his trip. When he answered that he was attending a meeting of the society, the next question then was whether he had anything to do with nuclear physics. Upon his affirmative answer the visa was denied.

(2) Marcos Moshinsky, a Ukranian by birth and a naturalized Mexican citizen, came to Mexico at the age of 3 together with his parents, more than 25 years ago. His father's relatives had to flee because of the revolution of 1917 and his mother's became lost during the German invasion in 1941; so that he and his family have no relatives in Ukraine at all left. He held a State Department fellowship in Princeton for 3 years and got his doctor's degree in physics with Wigner, who knows him quite well. He was again there early in 1949. He has never had anything to do with left-wing organizations of any kind whatever, political or otherwise. The rest of his story is identical with Oyarzabal's, except that he started doing research with me in July 1951.

(3) Fernando E. Prieto, a Mexican citizen by birth, was not asked any question similar to those mentioned in the two cases above when he applied for his travel papers at the United States Embassy here. He obtained his visa without any difficulty.

As soon as the denial of the two visas became known to me I took up the cases, unofficially and off the record, with the proper officials at the United States Embassy here and was assured that everything would be done to straighten them out. At all times I was treated with the greatest courtesy and friendship. In a few days I learned through a telephone call from the Embassy that Moshinsky would be granted his visa, but that Oyarzabal's case would have to be referred to Washington. So far as I know neither of them has actually got his visa up to the present.

I had planned to invite the society to hold another meeting in Mexico, D. F., in 1954, as it already once did in 1950, during my after-dinner address in Houston. That invitation still stands and, as I understand, has been accepted. It is our desire to keep close scientific and personal relations with the American Physical Society and with American physicists in general and to allow nothing to interfere with this. We know only too well that open and free scientific discussion is the basis of science and its progress, but of course we are also fully aware of the difficulties of these trying times.

Best regards to you and to all our friends in Cambridge.

Yours most sincerely,

Dr. Manuel Sandoval Vallarta.

[Copy of a letter]

From: Monsieur Lutz, Haut-Commissariat de la Republique Francaise en Allemagne, Office Militaire de Sécurité, Division de la Recherche Scientifique, Coblence, Allemagne.

To: Monsieur le Professeur V. F. Weisskopf, Ecole Polytechnique Federate, Institut de Physique, Gloria Strasse 35, Zürich (Swisse).

July 4, 1951.

Dear Sir: As agreed, during our meeting in Heidelberg, I am sending you excerpts from Professor Kastler's letter concerning the visa for his visit to the United States, which was refused.

I must repeat again that it is in itself by no means a question of a criticism of the measure that the American authorities deem it necessary to take, but only to draw attention to the possible consequences of these measures, which all those who are interested in improving the friendly relations between our two countries would deplore.

It seems to me, especially, that the application of the law should be less rigid and annoyances smaller for scientists, especially when their researches are in fields which have insignificant importance for military applications.

I should even say that if among these researchers there are those whose opinions are not entirely orthodox, it would certainly be more profitable to make them realize American hospitality and the admirable work accomplished in the United States of America, rather than to force them definitely into the opposed camp.

This is the only meaning that I am anxious to give to my petition to you and I ask you, dear sir, to accept with my gratitude, this expression of my best wishes.

M. LUTZ.

[Letter to the editor]

THE MANCHESTER GUARDIAN WEEKLY,
March 13, 1952.

AMERICAN POLITICAL TESTS

SIR: Since the coming into force of the McCarran Act in September 1950 the State Department is required to investigate the political reliability of visitors applying for a visa of entry to the United States. I should like to call attention to some distressing aspects of this procedure.

I applied for a visa 11 months ago and am still waiting for a decision—whether positive or negative. I was born in Hungary, which, it is true, now lies behind the iron curtain. But I had been an insistent critic of Soviet communism every since 1917 and my attitude was never more distinctive and outspoken then during the period of 1942–43, though the popularity of Soviet Russia was at its height in Britain and America at that time. Yet the investigations of the State Department are mainly concerned with an incident which occurred during that period and which formed the main subject of an extensive interrogation to which I submitted on January 28 (before I became fully aware of the humiliation inflicted upon me) at the United States consulate in Liverpool. Here is its story.

In the depth of our desperate struggle with Nazi Germany, in September 1942, an organization called German School of Higher Learning and Institute of Free German Culture in London (affiliated to the League of Free German Culture) asked me to take part in a course of popular lectures. Its notepaper bore some very distinguished British scientific and literary names as patrons and its program appeared entirely educational. I agreed, and on December 12, 1942, I addressed the institute in London, choosing as my subject the freedom of science and its infringement by the suppression of genetics in the U. S. S. R. (The paper, first published in 1943 in Britain and soon after in the United States, was reprinted in both countries last year in a collection of my essays.) After my address there were adverse comments from the floor, but I was accustomed at this time to be roughly treated whenever I criticized in public the Soviet regime. Yet even I was surprised when, on my return to Manchester, I received an official letter from the council of the institute stating disapproval of my views as expressed in the lecture. I realized then that this organization was under Communist control and wrote back condemning their attitude in the sharpest terms.

But for this curious interlude I should probably have forgotten after all these years having ever had anything to do with the Free Institute for German Culture in London and might easily have denied any knowledge of it. When questioned, however, I was able to tell the story of that lecture. But even so, I had no recollection that in the course of the correspondence leading up to it—and before the promoters had revealed their true colors—I was asked and had agreed to become a "patron" of the institute. This I discovered only after my return from Liverpool, when, in order to substantiate by statement about the unusual consequences of my lecture, I managed to hunt up the old file of my correspondence with the Free Institute. I notified the American counsul without delay of this additional point.

I had wondered how the State Department had ever come to inquire into my trivial contacts with an obscure organization 10 years ago, and could only assume that it was in possession of the prospectuses and notepaper of the Free German Institute with my name on them as a "patron" and lecturer, and that

all during the inquiry and questioning the officials had kept this fact from me. Instead of asking me to explain the evidence they possessed, they were questioning me on matters known to them and taking down statements under oath from me made from memory after all those years. I wrote to the consul general forcefully expressing my misgivings and requesting an explanation; his evasive answer fully confirmed them.

Anyone who takes the trouble to look up what I have published at the time must be struck by the sharp contrast of my critical views on Soviet Russia with those then reflected in the English and American press. However, after an investigation extending over 10 months, which the consul general in Liverpool was supposed to bring to conclusion under his own responsibility, neither he nor the vice consul conducting my interrogation in his presence had seen a single page of my writings.

Questions the vice consul thought fit to ask me were: On which side my sympathies were in the last war and whether my writings were concerned with justifying the regime of communism in Russia. It is no wonder, perhaps, that today—5 weeks later—the investigation of my case has still not been completed.

I do not say this in criticism of the unfortunate officials in Liverpool, but of the procedure which requires them to make decisions in a field with which they are completely unfamiliar, basing themselves on criteria prescribed by law which are essentially irrelevant to the issue. I am aware that the procedure of the McCarran Act is being strongly criticized in the United States as being against all the traditions of American law, but this is more than a domestic American matter. There is serious danger to international intercourse when, before people can visit the United States, they are induced to give declarations under oath on trival matters lying 10 years back, which are magnified today into sinister actions by legal rules having no concern with reality. This is the way to build up a world of phantoms in which men are lost in a maze of mutual suspicion.

[Editorial]

THE MANCHESTER GUARDIAN WEEKLY,
March 13, 1952.

A NEW INQUISITION

It is part of the historic relation between the United States and Britain that there should be candor and honest frankness between them. Americans have never been backward in this exercise. That the relative material conditions of our two centuries have changed gives no reason why when things are wrong in America we in Britain should be silent for fear of giving offense. Mutual criticism is part of the democratic process to which we both adhere. It is, indeed, more important than ever; the essence of American as of British policy in the world is how to exhibit a pattern of freedom, to show that a free democracy with its tolerances is better than a totalitarian State with its restrictions and tyrannies. When something happens in the United States that seems to belong more to the ways and habits of mind of the Communist world than to the free world it is a friendly act to point out the damage that is being done to the common cause. The question of academic freedom is one of the sharp tests of sincerity of principle by which the United States is being judged abroad; we make no apology for having given space to the long and interesting correspondence on it opened by Lord Russell. A like question is the conditions which Congress, overriding the President's veto, has applied to entry and exit to the United States. Most countries have their immigration absurdities, but there are aspects of the McCarran Act that go beyond mere bureaucratic arbitrariness and are repugnant to civilized intercourse.

The circumstances Professor Polanyi describes in his letter today are not isolated. He has, of course, long been one of the strongest and most effective critics of communism in this country, but eminent Americans as well as eminent Europeans are victims. Prof. Howard Mumford Jones, of Harvard, has described how a distinguished American historian "was for one solid year denied a passport by our Department of State because, unknown to him, his name had appeared as a sponsor of a school that somebody or other said was a Communist front. (He) was given no explanation at the time his passport was denied him,

and not until the occasion which required the passport was a 12-month in the past, did he learn, and then only indirectly, why he had been adjudged unworthy to represent his country in a foreign institution of learning."

The procedure under which the harassed American consular officials have to work—poor fellows—reads for all the world like a legal process behind the iron curtain. The prosecution keeps its data (whatever their value) up its sleeve; the victim has to prove himself innocent of a charge of which he is in ignorance. The consular official has to work to rigid rule (since he himself lives under the terrifying shadow of Senator McCarthy he dare not depart from it); he is not required to know anything of his victim save a document in a dossier; if he were to read his victim's books or to seek the advice of eminent Americans he might find in 2 minutes that the FBI's stock questions were moonshine, but that is not permitted. Naturally the best American opinion is sensitive to these injustices. The New York Times said recently that the American Visa Department has "made a mockery of American demands for freer exchange of persons as against the Soviet iron curtain and has seriously lowered our prestige among key groups in Western Europe and elsewhere." But unless intelligent American opinion will mobilize itself and unless the higher direction of the State Department (for instance, Mr. Acheson and Mrs. Shipley) brings some common sense into its passport machinery distrust and dislike of the United States will mount. That is only one side of the question. What to the liberal mind is almost more alarming is the debasement of the international standard of law. The McCarran Act, the American loyalty oaths, and the rest are a way of saying that men are guilty unless they can prove themselves innocent; and by the stupid crudities of their bureaucratic procedures they implant the very fear, anxiety, and suspicion to rid the world of which the United States is supposedly spending its treasure.

[Chemical and Engineering News, 28, 4330 (1950)]

EXCERPT FROM INTERNATIONAL EXCHANGE OF SCIENTIFIC INFORMATION

(By Wallace R. Brode, Associate Director, National Bureau of Standards)

A distinguished Scandanavian professor was recently invited to lecture at an American university. A check with the American consul, whom we knew personally, indicated that he would have no difficulty obtaining a visa. Unfortunately, the consul left shortly after the inquiry on a vacation, and contact with the vice-consul, who was more concerned with the minutia of regulations, developed the unusual information that university professors and research workers in certain fields of science (not political) were by Government orders barred from direct admission to the United States, and that only after extensive investigation, which usually requires several months, could such individuals hope for admission. Note that this prohibition is not directed toward specific individuals, races, political parties, or countries but rather at certain fields of science, of which one is the field of electronics.

[Excerpts from letters]

From: Mlle W. Perey, Laboratoire de Chimie Nucléaire, Université de Strasbourg, 4, Rue Goethe, Strasbourg, France

To: Prof. C. D. Coryell, Department of Chemistry, Massachusetts Institute of Technology, Cambridge 39, Mass.

AUGUST 22, 1951.

I am absolutely brokenhearted because I must give up my trip to the United States to which I had been looking forward so much. I have waited until the last minute, since I should have left tomorrow for Paris and taken the *New Amsterdam* Saturday, but the authorities in Washington have not even thought it necessary to answer my request for a visa made 3 months ago, or telegrams sent by your consulate on July 10 and again on August 14. I must give up even expecting an answer, although your cultural attaché has assured me that nothing can prevent me from obtaining the visa. One must believe that I am considered very dangerous.

I was looking forward so much to coming, to visiting your institute, to talking of our work, and to enjoying your very kind invitation.

Please tell Mrs. Coryell how much I regret not being able to come, and I ask you to share with her all my best wishes.

OCTOBER 5, 1951.

The visa was granted, but too late for me to be able to come.

From: Prof. P. Grivet, Université de Paris, Laboratoire de Radioelectricité, 24 Rue l'Homond, Paris 5, France.

To: Prof. S. A. Goudsmit, Department of Physics, Brookhaven National Laboratory, Upton, Long Island, N. Y.

JANUARY 23, 1952.

I wanted very much to pay you a visit in October 1951, but I was not able to do so. Here is why: In May 1951, I was invited by my friend Professor Marton of the National Bureau of Standards to give a review paper on electron optics. I prepared this, as well as several other communications from my students, but, not receiving my visa in time, I was unable to attend the Congress. Indeed, there is also work in my laboratory on an electron accelerator, an activity considered "nuclear", and I become involved in the formalities of the McCarran Act, long, long formalities.

I received my visa 5 months late, that is, about 8 days ago. I hope to use it this year, and to have the pleasure of paying you a visit.

[Copy of a letter]

From: Prof. J. Cabannes, Doyen honoraire de la Faculté des Sciences, Laboratoire des Recherches Physique a la Sorbonne, Université de Paris, Paris, France.

To: Prof. V. F. Weisskopf, Massachusetts Institute of Technology, Cambridge 39, Mass.

MY DEAR COLLEAGUE: I regret that some French scholars who would have liked to visit American laboratories—where they have much to learn—have not obtained visas for the U. S. A., or they have obtained them only after an excessively long delay.

It is not possible for me to pass judgment on particular cases, but I believe that, in that which concerns French physicists, the American officials would avoid regrettable errors if they would ask the advice of the Department of Cultural Relations of our Ministry of Foreign Affairs.

By consulting our Ministry, the U. S. A. would show that they have confidence in the government or a country which is a friend and ally.

I do not insist that my letter remain secret; you may use it as you wish for the greatest good of science and the harmony between our two countries.

We, in the laboratory, retain the pleasantest recollection of your visit, and I thank you for the valuable advice which you gave my collaborators.

Very cordially,

J. CABANNES.

The CHAIRMAN. Is Mr. Fitzgerald here?

STATEMENT OF JAMES E. FITZGERALD, ATTORNEY, REPRESENTING THE CHINESE CONSOLIDATED BENEVOLENT ASSOCIATION OF NEW ENGLAND AND OTHER ORGANIZATIONS

Mr. FITZGERALD. I am James E. Fitzgerald, an attorney at law, 28 Tremont Street, Boston.

I am here representing the Chinese Consolidated Benevolent Association of New England, the Chinese Merchants Association, the Chinese Order of Freemasons, the Chinatown Post 328 American Legion, the Gee How Oak Tin Association of Boston, the Wong Wun Sun Association of Boston, the Yee Moo Kai Association of Boston, the Lee Lung

Sai Association of Boston, and many other smaller associations, the representatives of which are here in the back of this room.

The CHAIRMAN. Will you have a seat and we will be glad to hear from you.

Mr. FITZGERALD. I have a prepared statement I wish to read.

The CHAIRMAN. We will be pleased to hear it.

Mr. FITZGERALD. The Chinese here today represent practically the entire Chinese population in Boston and to a lesser extent in the New England States.

A short history of the Chinese problem leading up to the present status of the law may clarify in the minds of the committee the problems of our Chinese-American citizen community.

Up until the repeal of the Chinese exclusion law in 1943, only certain exempted Chinese could enter this country such as merchants, diplomats, and a few other minor categories.

The great majority of the Chinese entering the country during that period, and even at present, were and are native-born United States citizens or the children of American citizens who derive their citizenship from the American-citizen father.

Due to economic circumstances and the need to bring only those members of the family who could contribute to the support of the family, the male members only were brought to the United States.

The few Chinese females in the United States were either native-born or the wives and daughters of merchants.

If a man wished to marry a woman of his own race, which the great majority did, it was necessary that he travel to China. The result was that his children were born in China as his wife was not admissable to the United States. Due to the natural increase in population, the number of derivative citizens of the United States born in China became quite large.

After World War II, the first group of wives of American citizens began to arrive as nonquota immigrants due to a change in the law. However, the alien minor, unmarried children were still admissable only under a quota. None that I know of were able to receive a quota number.

Let me call your attention that the Chinese have no desire to have the McCarran-Walter bill repealed as it has placed them on an even basis with other citizens, in this regard, as their minor, unmarried children are eligible for admission as non-quota immigrants as is the husband of a citizen.

This section does not have anything to do with a child claiming citizenship. Right to citizenship is not something to be disposed of lightly.

The conditions that existed after World War II at the American consulate at Canton were terrible. At one time the consul at Canton made no effort to document cases to the United States. Later, after the fall of Canton, the matter of documentation was removed to Hong Kong. Delays of 2, 3 and 4 years resulted from the consul's inability or refusal to process these cases.

In 1950, the Chinese Benevolent Association of Boston, under the able leadership of Mr. Chin Park of the foreign relations department of the National Shawmut Bank of Boston, made a concentrated effort to bring to the attention of the United States Congress the plight of

his fellow citizens applying for transportation documents at Hong Kong to come to the United States. I herewith present as exhibit No. 1 the information sheet furnished to our New England Members of Congress at that time.

As a result of these efforts, the State Department sent a group of experts to Hong Kong to see what could be done. I present at this time exhibit No. 2 which consists of correspondence between the State Department and Congressman Lane.

Conditions improved somewhat for a time, but gradually regulations, demands for documentary evidence, blood types, X-rays and numerous other forms of delay has caused the processing of an applicant, at the present time, to average 2 years.

Again the association, under the leadership of Mr. Chin Park, recently made another concerted effort to help their people. I herewith offer exhibit No. 3 which is the information sheet now being furnished our Representatives in Congress.

The cost of maintaining the applicants in Hong Kong, which is extremely high, for the long periods forced on them by the consul plus the costs of transportation, legal fees and other expenses have constituted a terrific drain on the finances of the resident Chinese-American citizens. The life savings of these citizens go merely to bring the family together.

I have been authorized to say that some parts of this bill show a tendency to attempt to do justice by eliminating grave injustices imposed upon citizens of Chinese ancestry in the past.

At this time I will not dwell upon the question of Chinese immigration as such, but am instructed to register to this committee our protest and opposition to the manner of grouping for purposes of determination of quota as set forth in section 202 (b) of the act, it being the general sentiment of our American citizens of Chinese heritage or extraction that the basis used therein is not fair to such persons of their ancestral nation who might desire to become, but have not yet had the opportunity to be, citizens of this great United States of America.

We appear here to protect and insist upon the rights and privileges of persons of Chinese heritage and extraction already established and of which they have been and are still being deprived.

In this respect I wish to present the fact that the injustice of compelling a child of a United States citizen to arrive in this country before the age of 16 years when such arrival had become almost an impossibility has been modified by the extension of such limitation of 16 years to 23 years under the provisions of section 301 (a) and (b) replacing title 8 United States Code Annotated 601 (g).

However, we are dismayed by reading section 360 (b) of this act in discovering that the act has given us a right and deprived us of a remedy in that the said section 360 reverts back to age of 16 and deprives those between 16 and 23 of any process of law whatsoever.

Section 360 (b) appears to supersede section 503 of the Nationality Act of 1940, 8 United States Code Annotated 903, which former section gave the applicant certain rights for a declaratory judgment in a proper court of law. This new enactment deprives your citizen, unless he can personally get to the United States of America, of any court redress whatsoever. His entire rights are relegated to and in

the hands of the State Department and the State Department alone. This is manifestly un-American and in all probability unconstitutional. We wish to go on record as stating to this committee that, from past experiences, the confidence of Chinese-American citizens in the ability of the State Department, and the American consul, to judge the merits of citizenship has been rudely shaken and they desire a restoration of these powers to the United States Immigration and Naturalization Service where it properly belongs and they insist that the rights of such eventual determination should be within the courts and that the powers of the said court as set forth in section 509 of the Nationality Act of 1940 should be retained.

I quote from a very expressive statement made by Mr. Chin Park which shows the sentiment of Chinese citizens: "The Chinese-American citizen never again want an exclusion law either one passed by Congress or developed by the usurpation of authority by the State Department."

(The three exhibits referred to by Mr. Fitzgerald in his prepared statement, follow:)

EXHIBIT No. 1

By sheer inaction the United States Department of State has for the past 5 years imposed an unwritten Chinese exclusion law upon American citizens of Chinese descent. No other racial group in the United States would have tolerated the injustice so patiently and quietly.

For several generations it has been the custom of American citizens of Chinese descent living in the United States to maintain their families in China, at least until the children acquire a primary Chinese education, and usually until the boys are old enough to support themselves and the girls old enough to marry. The children born in China to American citizens of Chinese descent residing in the United States are American citizens.

Under a law effective in time of war or national emergency American citizens coming from the Far East must have American passports before they embark for the United States. Several thousand applications by these children of American citizens of Chinese descent for American passports with which to travel to the United States and join their fathers accumulated between 1945 and 1949 at American consulates at Canton, Shanghai, and elsewhere in China and at Hong Kong. With the closing of all American consulates in China in 1949 in the face of Red occupation, all these American passport applications are now registered at the American Consulate General, Hong Kong. There they are decided at the rate of about two a day, confronting the applicants with a wait of from 4 to 12 years for a decision on their applications. Meanwhile, until this arrearage is overcome, no new applications for American passports will be accepted by the American Consulate General, Hong Kong, from the American-citizen children of American citizens of Chinese descent, unless the applicants present conclusive evidence of their citizenship and identity. Conclusive evidence is rarely obtainable, because birth records are not maintained in China, families in China do not maintain continuous photographic records, the essential witnesses are in the United States, and letters and remittances over the years are usually made through intermediaries. For no other purpose is such a degree of proof of citizenship required. It is far easier for a nonquota alien Chinese to obtain an immigration visa to come to the United States than it is for an American citizen of Chinese descent to obtain an American passport.

The Passport Division of the Department of State attempts to justify its treatment of these American citizens by alleging that there is a high incidence of fraud among such passport applications. The Passport Division estimates the fraudulent cases as high as 50 percent, without indicating the basis for such an extravagant estimate. However that may be, fraudulent applications for American passports are by no means exclusive with Chinese. Polish, Italian, and native-born American Communists cases of passport frauds have figured conspicuously in records of the Passport Division in recent years. It is not hard to imagine the uproar that would follow any departmental policy of delaying from 4 to 12 years all Polish-American applications to the American Embassy

at Warsaw or Italian-American applications to the American consulates in Italy; our Polish-American and Italian-American populations in the United States would immediately so besiege the Department of State and the Congress that some way would be found to separate the genuine from the doubtful cases in short order.

The Passport Division takes the attitude that our Chinese-American citizens have allowed their children to remain in China many years without trying to bring them to the United States and without registering them as American citizens at American consulates in China; that at the end of hostilities in World War II, and in the face of the Communist occupation of China, these American citizens flocked to the American consulates by thousands and demanded immediate issuance of travel documents; and that they cannot be heard to complain of whatever delay the Department of State may impose. This attitude fails to recognize the long-standing custom of Chinese-American citizens to maintain their families in China pursuant to the right of an American citizen to decide for himself where he will live and where he will maintain his family. This attitude ignores the fact that it makes no difference to their American citizenship whether these children were registered with an American consulate. It also ignores the fact that from 1941 to 1945 the war prevented travel from China to the United States.

Lack of help at the American consulate general, Hong, Kong, is offered as an excuse for the long delay in deciding passport applications, but nothing is done to shorten the long and tedious procedure which the Department has set up for handling these applications. The passport applicants must register in person at an American consulate, usually necessitating travel from the interior of China. The passport applicants must present their fathers' affidavits in triplicate, bearing their photographs, and explaining how they derived American citizenship. This affidavit, although difficult and expensive to obtain, carries no weight with the American consulate general as evidence of citizenship. Unless the applicant has conclusive other proof his name is merely placed on a waiting list at the American consulate and he is sent away and told not to call, telephone, or write the American consulate. The prospects are that he will wait from 4 to 12 years for a letter from the American consulate giving him an appointment for a personal interview, consuming about 3 hours, and stenographically recorded, after which the poor applicant is again sent away to wait while the American consulate exchanges letters with the immigration authorities in the United States for the purpose of comparing the results of the interview with the contents of the immigration record of the applicant's father. This step alone takes several months. At long last the applicant may be recalled to the consulate and told whether he may be given an American passport. In most cases an American passport is not issued, but the applicant is allowed to execute an affidavit at the American consulate explaining who he is and why he claims to be a citizen. With a warning that the affidavit is no assurance that he will be admitted to the United States, the citizen is then able to reserve transportation to the United States. As neither a passport nor a travel affidavit is evidence of American citizenship, and as citizenship must be decided at the port of arrival in the United States, it is obvious that the long delay and so-called processing of American passport applications at the American consulate general, Hong Kong, serves no purpose whatsoever except to prevent these American citizens from embarking for the United States.

The long delay not only separates these children from their American fathers while their applications are pending, but threatens to separate them forever. Red China may claim them at any time for military or other service that would cause forfeiture of their American citizenship. The closing of American consulates in China leaves these American citizens no consulate with which they could lodge a protest. Red China may decide at any time not to allow these American citizens to leave China, as Soviet Russia and its satellite countries have been doing to American citizens since the end of hostilities. Such treatment of American citizens in Red China and Hong Kong by the Government of the United States should give great satisfaction to the Communist cause in the Far East. Although the situation of these American citizens is critical and although the Department of State expresses its concern, it moves at snail's pace to relieve them.

The long delay may deprive these American citizen children of their chief witness, namely, the father in the United States. Many of these fathers are advancing in years and will inevitably be gone by the time their children reach

a port of arrival in the United States where the issue of citizenship is actually determined. Through the simple expedient of withholding a decision on a passport application and of refusing to accept new applications, the American consul may cause some of these American citizens to lose their citizenship under laws passed in 1934 and 1940 which require them to reach the United States before they become 16 years old.

The inaction of the American consulate general, Hong Kong, deprives these American citizens of the right expressly given them by law to have their citizenship determined in court. Until their applications for passports are actually refused, they cannot appeal to the courts in the United States.

As might be expected, the situation has resulted in abuse of the American citizen applicants and their fathers by unscrupulous brokers and agents in Hong Kong who undertake for large sums of money to obtain prompt and favorable decisions on American passport applications. Some of these brokers and agents are known to the American consulate general and have been warned to keep their distance from the consulate general, but they continue to operate, and American fathers have invested from $600 to $1,000 in such futile efforts to obtain action on their children's passport applications.

The Chinese-American population of the United States may be roughly estimated at 90,000. These American citizens should individually and as groups demand of their Department of State and of their Senators and their Representatives in Congress that this fictitious and unjust bar to the travel of their American citizen children to the United States be immediately removed. The administration and the Congress are daily showing the greatest concern to relieve aliens residing unlawfully in the United States, inadmissible aliens abroad, alien refugees known as displaced persons, and other categories of aliens. The Eighty-first Congress now in session has legalized the residence of thousands of aliens who entered the country illegally. However, the plight of American citizens of Chinese descent in the Far East receives only a polite expression of concern by the Department of State, which is barring their travel to the United States, and no relief either from the administration or from the Congress.

EXHIBIT NO. 2

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 11, 1950.

MR. LOY WONG,
President, Chinese Consolidated Benevolent Asociation of New England,
14 Oxford Street, Boston 11, Mass.

DEAR MR. WONG: With further reference to my letter of December 5, I am enclosing the report that I have received from the Department of State, in your interest, which I am certain you will find to be self-explanatory, regarding the admission of American citizens of Chinese descent to the United States.

With all good wishes, I remain

Sincerely yours,

THOMAS J. LANE.

DEPARTMENT OF STATE,
Washington, December 8, 1950.

HON. THOMAS J. LANE,
House of Representatives

DEAR MR. LANE: I have been requested to reply to your letter of December 5, 1950, to the Secretary enclosing a letter from Mr. Loy Wong and a statement relative to the admission of American citizens of Chinese descent to the United States.

The enclosed circular outlines this procedure and you may note that it has been adopted after consultation with the Immigration and Naturalization Service of the Department of Justice and American diplomatic and consular officers concerned.

While the delay in processing many of these cases is caused by several factors, most of which are entirely outside of the control of either the Department or of the Foreign Service of the United States, the Department recently conducted an

investigation of the matters to which Mr. Loy refers in his letter to you and is taking steps to have special and immediate handling of these cases by a group of experts. The work of this group should eliminate all backlog cases received from American consular offices in China, as well as at Hong Kong, by the end of June 1951.

As of possible information, it may be stated that the Department has been informed by the American consulate general at Hong Kong that it is giving priority to and facilitating the applications of persons who are nearing their sixteenth birthdays, and who, under existing law, must enter the United States for permanent residence before reaching the age of 16 years in order to retain any claim they may have to American citizenship. Such cases are kept in a special file at the consulate general to insure consideration being given to them before the applicant's substantive rights are affected by operation of law. A large number of applications are being received from persons who will reach the age of 16 years within the near future and the consulate general has further reported that the actual processing of such cases is usually begun from 2 to 3 months prior to the applicant's sixteenth birthday.

Sincerely yours,

R. B. SHIPLEY,
Chief, Passport Division.

Enclosures: Copy of this letter. Personal letter and statement. Circular.

PROCEDURE FOR DOCUMENTATION OF PERSONS OF CHINESE ORIGIN WHO CLAIM AMERICAN CITIZENSHIP FOR THE FIRST TIME

This Department, after consultation with the Immigration and Naturalization Service of the Department of Justice and American diplomatic and consular officers concerned, has adopted the following procedure for the documentation of persons of Chinese origin who claim American citizenship for the first time:

Persons who claim American citizenship must take up their cases with the appropriate diplomatic or consular officer, submitting such evidence of the basis of their claim to American citizenship and documentary evidence of their identity as may be required by the diplomatic or consular officer to whom application is made. In cases where the applicant was born abroad, the officer will communicate directly with the Immigration and Naturalization Service of the Department of Justice to verify the citizenship status of the parent through whom an applicant claims to have derived American citizenship.

All American consular offices on the mainland of China have been closed. Upon the closing of the American consulate general at Canton, China, the citizenship files of that office were transferred to the American consulate general at Hong Kong, and claimants to American citizenship residing on the mainland of China should be advised to take up their cases with the American consulate general at Hong Kong. Claimants to American citizenship residing on the island of Formosa should take up their cases with the American consulate general at Tainei, Formosa.

The following procedure should be followed in cases where the applicant claims American citizenship by birth abroad of an American parent:

I. If the applicant's father is in the United States, the following documents should be forwarded to the applicant for presentation at the appropriate consular office:

A. An affidavit in triplicate by the applicant's father, mentioning his evidence of citizenship and giving the following data in tabular form:

1. The dates and places of his various entries into and departure from the United States.

2. The names, sex, birthplaces, birth dates, and present places of residence of all his children.

3. The name of his present wife and, if previously married, of his former wife, with date or dates of marriage; where applicable, dates and means of termination of marriages should also be stated.

All names should be in both English and Chinese. Recent photographs of the father and the applicant should be attached with glue, under notarial seal on the affidavits.

B. An affidavit in triplicate, executed by a reputable United States citizen, attaching a recent photograph of the applicant's father (glued and sealed) and stating that the latter is the same person named in the evidence of citizenship mentioned.

C. Evidence of the father's American citizenship.

II. If the father is deceased, a brother or other near relative of the applicant residing in the United States may prepare the documents mentioned above, referring to the applicant's father.

III. The prepared documents, together with all obtainable documentary evidence which may be of assistance in establishing the applicant's identity and claimed relationship, should be forwarded to the applicant, if he is residing in Hong Kong, instructing him to submit the documents to the American consulate general by double registered mail. If the applicant is residing on the mainland of China, it is suggested that the documents be forwarded direct from the United States to the appropriate consular office. No assurance can be given that either the consulate general at Hong Kong or the consulate general at Taipei, Formosa, will be able to render any assistance to the applicant unless he can arrange to appear at the consular office upon appointment.

IV. If the father of the applicant is in China or Hong Kong, and it is possible for him to call at the consulate general with the applicant, the affidavits described above need not be prepared. In such event the applicant should communicate with the consulate general by double registered mail, requesting an appointment and informing that office that his American-citizen father is available to call with him at the consulate general. This communication from the applicant should set forth the type of evidence of his American citizenship which his father has in his possession. The father should not fail to take with him to the consulate general satisfactory documentary evidence which will be of assistance in identifying the applicant.

IDENTIFICATION IN CITIZENSHIP CASES

The following suggestions are not requirements and neither include all possible means of identification nor exclude other evidence which applicants may be able to submit; the suggestions merely illustrate types of evidence which have been of value in the past.

1. An identifying witness, preferably an American citizen, who is well and favorably known to the consular office. The witness should have known the applicant well for at least 1 year.

2. A birth certificate issued by a reputable hospital or by the local authorities of the place in which the birth occurred, especially if in the United States or Hong Kong.

3. An official Chinese certificate of identity issued by the authorities of the district or city of the applicant's residence.

4. Letters from parents or relatives in the United States.

5. Evidence of remittances of money over a period of years from parents or relatives in the United States.

6. Old photographs of the applicant, especially group photographs containing other members of the family.

7. School diplomas or other documents issued by schools attended by the applicant.

PASSPORT DIVISION, *August 4, 1950.*

EXHIBIT NO. 3

The procedure adopted by the Passport Division of the Department of State for the documentation of American citizens of Chinese descent at the American consulate general, Hong Kong, has proved unworkable after several years. Protests against the long delay in documentation are rising from the relatives and friends of these American citizens, who are generally children born in China to United States citizens of Chinese descent.

Early in 1951 the Passport Division of the Department of State sent a group of citizenship experts to the American consulate general, Hong Kong, to concentrate on reducing a backlog of several thousand passport applications. This special force did accomplish a reduction in the arrearage and consequent delay, but at the present time an average of 2 years elapses between the date of an application for an American passport and the decision of the American consul general, Hong Kong. Housing and food in Hong Kong are scarce and almost prohibitive in cost, yet during those 2 years of delay awaiting decision the passport applicants must be maintained in Hong Kong because they can go nowhere else than to Communist China whence their exits are rigidly controlled by local

Communist authorities. Unless the American citizen passport applicant has conclusive evidence of his citizenship and identity, he is required to bring other members of his family to Hong Kong from Red China as witnesses. The same rigid controls are imposed by Red China upon the travel of the witnesses, and depending upon the whim of the particular Communist village or district authority it is often impossible for the witnesses to appear in Hong Kong. For the past several months the American consulate general has been requiring blood tests of the passport applicant in Hong Kong and of his father in the United States, adding to the expense and adding many months to the delay in deciding an application.

Under the established procedure of the Passport Division a passport application can be initiated only by the personal appearance of the applicant at the American consulate general, Hong Kong. However, when the applicant appears, his name is merely placed on a long waiting list unless he is one of the extremely rare individuals who has evidence of his identity and citizenship which the American consulate general considers conclusive, a degree of proof which is not only unreasonable but exceeds that required for actual admission to the United States.

When the American citizen appears at the consulate general to register on the waiting list, he is supposed to present his father's affidavit explaining how the father acquired American citizenship, what visits the father has made to China, and the names, birth dates, and whereabouts of his wife and children, and the affidavit must bear photographs of the passport applicant and his father. The applicant is also asked to present evidence of his father's citizenship, and on top of this an affidavit by a reputable United States citizen stating that the father is the same person named in the evidence of citizenship. However, these affidavits and this evidence accomplish little or nothing but are merely placed on file. No passport application is accepted on this first appearance of the applicant, and the American consul later exchanges letters with the Immigration and Naturalization Service in the United States to verify the father's citizenship record and prior mention of the members of his family. Even if the father traveled from the United States to Hong Kong to identify his child in person, the father would be required to provide corroborative or documentary evidence of his child's identity.

One item of corroborative evidence suggested by the Passport Division is an identifying witness, preferably an American citizen well and favorably known to the consular office, who has known the passport applicant well for at least 1 year. Obviously, it would be a rare case indeed in which an American citizen, well and favorably known to the consular office at Hong Kong, could be found to identify a passport applicant from an interior village in China.

Birth certificates, suggested by the Passport Division, are generally available for passport applicants who were born in Hong Kong but the ratio of these cases must be no more than 1 to 10,000, because most of the families of American citizens of Chinese descent are born and live in a small interior Chinese village of their ancestors where there are no vital records of any kind.

Another item of documentary evidence suggested by the Passport Division is an official Chinese certificate of identity issued by the authorities of the district or city of the applicant's residence. As far as that is concerned, the American consuls at Canton and Hong Kong considered such certificates worthless even before the Communist occupation of China, and one issued now by a Communist authority would be worse than worthless—it would render a passport applicant suspect of being a Communist or Communist collaborator and would delay his passport application endlessly for a security investigation.

The Passport Division also suggests old photographs of the passport applicant, especially group photographs containing other members of his family. In some cases such photographs can be produced, but these are closely examined for fraud.

After getting to Hong Kong and being allowed to place his name on the waiting list at the American consulate, the passport applicant waits indefinitely for a preliminary interview, for a second interview, and as many other interviews as the consular office may require before he may be permitted to execute a formal passport application, which is usually denied. However, in the majority of cases the applicant is at long last permitted to execute a travel affidavit reciting his claim to United States citizenship. After approval by the American consul general, this affidavit enables the holder to embark for the United States, though with a warning that the travel affidavit is no assurance whatsoever of the

holder's admission to the United States because United States citizenship for the purpose of admission to the United States can only be decided by the Immigration and Naturalization Service at a port of entry to the United States. For that matter, a United States passport is no assurance of admission to the United States. Its purpose is to certify to foreign governments that the bearer is an American citizen and entitled to the protection of the United States abroad. The passport applicants at Hong Kong are not seeking to travel abroad under the protection of the United States. They seek only to embark for the United States as directly and promptly as possible to join their relatives here, where their citizenship is actually determined, and where the essential testimony of their fathers and other relatives will identify them. Therefore, the cumbersome and impractical procedure adopted by the Passport Division serves no other purpose than to delay, discourage, or prevent the embarkation of these American citizens for our shores.

The Passport Division takes the position that under the law it can issue a passport only to an American citizen and that it must therefore determine for itself whether any individual applicant for a passport is a citizen. This position might be reasonable if the determination could as well be made in these cases in Hong Kong as it could in the United States, if it could be made with any degree of promptness, and if a passport were actually necessary and finally issued. However, when a determination of citizenship requires as long as 2 years during which the citizen applicant and his relatives are under severe hardship and expense, when the essential witnesses are in the United States, and when a passport is finally denied anyhow, the position of the Passport Division is untenable. The Passport Division need not require a passport for the embarkation of these citizens. It has authority to make exceptions to the wartime or national-emergency passport requirements and does make such exception when it approves the travel affidavit executed by these citizens at Hong Kong consulate in lieu of passport. The Passport Division is not obliged to determine United States citizenship for the purposes of approving a travel affidavit and might as well permit the citizen to execute such an affidavit when he first appears at the consulate general instead of making him wait 2 years before executing the affidavit.

The citizenship claims of Chinese-American citizens at Hong Kong are considered in an atmosphere of suspicion and belief that a very large percentage of them are fraudulent. The innocent or genuine admittedly suffer because of instances of fraud which have overimpressed the Passport Division, which does not have the background and records of more than a half century of experience that the Immigration and Naturalization Service has. The Passport Division judges the citizenship claims of American citizens of Chinese descent from the point of view of its experience with the citizenship claims of native-born Americans or Americans of European or other national origin, to whom official records of birth and evidence of identity are readily available, and whose psychology and family customs are radically different.

The result of the established procedure for handling passport applications by American citizens of Chinese descent at the American consulate general, Hong Kong, is to exclude thousands of these citizens from the United States. It must be remembered that these are citizens in the lower-income brackets. Their fathers are mainly restaurant or laundry owners or employes, to whom the expense of maintaining their children and witnesses in Hong Kong for as long as 2 years is so prohibitive that they must either abandon the effort to bring their children here or mortgage their future by borrowing the necessary funds for the long struggle.

Under the Nationality Act of 1940 the denial of a passport by the American consul general, Hong Kong, may be reviewed in court in the United States and the passport applicant be permitted to come here temporarily for that purpose. However, under the revision of the immigration and nationality laws effective December 24, 1952, the decision of the consul general in such cases will be final except for a possible appeal to the Passport Division.

The immediate remedy is for the Passport Division to instruct the American consulate general to permit these citizenship claimants to execute a travel affidavit when they first appear at the consulate general so that they may embark for the United States promptly and have their citizenship determined by the Immigration and Naturalization Service, as was done for half a century. Otherwise, Congress should provide funds at once expressly for the assignment of enough citizenship experts to the American consulate general, Hong Kong, to

reduce the present 2-year waiting period to a reasonable period for handling such official business; and the Passport Division should expedite and adapt its procedure to the realities and inaugurate a sensible handling of these applications. "It is better that many Chinese immigrants should be improperly admitted than that one natural-born citizen of the United States should be permanently excluded from his country" (*Kwock Jan Fat* v. *White*, 40 S. Ct. 566, 253 U. S. 454).

Mr. FITZGERALD. I would like to make this suggestion to the Commission: That a claimant to American citizenship, in order to avoid the long delay in documentary certification necessary to come here to prove his claim, should be able to post a bond or surety of some kind guaranteeing the person of return passage in the event he fails to prove his claim.

Commissioner FISHER. I take it that in these cases you are discussing the issue relating to satisfying the consul general as to whether these people are in fact entitled to certificates?

Mr. FITZGERALD. In fact, entitled to certificates. It is a matter of identification.

Commissioner FISHER. Isn't it of real concern that some of these people may be trying to get improper identification?

Mr. FITZGERALD. There is a United States Supreme Court decision which says it is far better that many Chinese-American citizens be admitted to this country than that one true American citizen should be kept out. Although there is an incident abroad, there is no doubt about it, the proper people to determine fraud are those making up a proper hearing body for a proper hearing. The Immigration and Naturalization Service, due to their long experience, have developed these boards of special inquiry. They have the necessary investigative agencies in the Department of Justice.

The witnesses for these people who are applying in Hong Kong are practically all in the United States. Their records and everything they have is here. It is not a matter for the consul over there to try to decide their citizenship when we have the properly organized group here to try their citizenship. We had better remember this: That, no matter what the consul does, if he allows someone to come here, they are entitled to be heard by the Immigration and Naturalization Service.

Commissioner O'GRADY. Are these people trying to get back into the United States?

Mr. FITZGERALD. They are not trying to get back in, although some are. They are native-born citizens who went back and got caught by the way. Some are citizen children, derivatives of citizens of the United States.

Commissioner FINUCANE. Hasn't it been past practice to permit the Chinese who claim United States citizenship to come in on affidavit, without the determination of their citizenship by the State Department?

Mr. FITZGERALD. I know out in San Francisco they had some difficulty, but it wasn't because of the investigation so much as it was to the number of immigrants and the number of these people who came in. Right after the war they had a tremendous influx of them at San Francisco, and there were long delays up to 5 months, if I remember correctly. Most of that has been cleared up.

Commissioner FINUCANE. Some are still in detention out there waiting for hearings and have been there in detention for many, many months.

Mr. FITZGERALD. I don't know too much about San Francisco, but in Boston we haven't any.

Commissioner FISHER. Are you saying they can't get back here to file for a declaratory judgment?

Mr. FITZGERALD. That is right. I can bring an action in the United States district court here in Boston for an applicant in Hong Kong in his own name, but cannot under this new section.

Commissioner FINUCANE. Do you see any reason why the practice of the State Department of issuing a document enabling an applicant for a passport to come to the United States to litigate the issue of citizenship should not be continued?

Mr. FITZGERALD. What I am driving at is that, although it is not perfect, at least it gives the right to recourse to court. I don't say that the State Department is handling these cases right as it is. I think if some arrangements could be made by bond or surety of return passage in each case, so these people could avoid all this difficulty and red tape and have the matter heard here before a proper tribunal, then if an applicant was excluded the Government is not losing anything because the bond is there to take care of his return passage.

The CHAIRMAN. Is it not generally true that, once they are here, it is difficult to obtain enforcement of an order to go back?

Mr. FITZGERALD. These are exclusion cases and not deportation cases. They have never landed in the United States if they have been excluded. It is not as if they had gotten in here and then attempted to depart. These people never landed.

The CHAIRMAN. Are you saying this act has taken away a remedy we did have?

Mr. FITZGERALD. The only possible appeal I could see from the State Department would be directly to the President of the United States. That is not logical or practicable.

Of course, our basic form of Government depends on checks and balances, and in this particular balance you are taking away the check against an administrative department by the court.

The CHAIRMAN. Are you speaking primarily about these cases of claims to American citizenship?

Mr. FITZGERALD. That is right.

The CHAIRMAN. Isn't it very difficult to find out the facts in these cases?

Mr. FITZGERALD. But if an American citizen were not admitted to the country and he was truly an American citizen—I do not think there are in general too many of these fake cases, just once in a long while.

Because of the fact that they are different, their particular faults have been a little particularly brought to the fore. They are probably not any more incidental to the Chinese than they are to other nationality groups, but nobody bothers to check that while they do on the Chinese.

The CHAIRMAN. Thank you very much.

Prof. Paul Chalmars, you are scheduled next.

STATEMENT OF PAUL CHALMARS, ADVISER TO FOREIGN STUDENTS, MASSACHUSETTS INSTITUTE OF TECHNOLOGY, AND PAST PRESIDENT OF THE NATIONAL ASSOCIATION OF FOREIGN-STUDENT ADVISERS

Prof. PAUL CHALMERS. I am Paul Chalmars, professor and adviser to foreign students at Massachusetts Institute of Technology. I am also past president of the National Association of Foreign-Student Advisers.

While I don't speak officially for them, I have been in on their deliberations about immigration problems as they concern foreign students. It is near the end of the day, and I can't attempt to give you a whole picture, but I would like to make one or two generalizations and suggest that we do have in our national association the foreign-student advisers who are concerned with the foreign students and the big college populations of the country, and I will ask our president to communicate with you so that you can have the organization's views officially if you would like it. We would like to present you our views.

I would like simply to say this: We have about 30,000 foreign students in the country here at the present time. This is gradually rising. These are, from the point of view of our own national interests, a very important group, because among these, as you are aware, there are those who will become probably the leaders in their own countries as they go home; and, therefore, our treatment of them is extremely important.

I think it is fair to say that all of our immigration regulations have not, perhaps, given consideration to this group, as a group, and the difficulties which we face in dealing with them are that in every consideration they are one corner of a larger group; for instance, as you know it is customary for all American students who need to do work to work their way through college. It is now the custom in my own school in graduate school for at least half of our population of graduate students to carry on a part-time job, an assistantship and a research job, in conjunction with their graduate study; and, therefore, the restrictions against employment, which, perhaps, quite properly are made for the temporary visitor to this country, spill over and affect the person who is to be a bona fide student on our list, and may stop the man from coming here, may interfere with the effectiveness of his study.

What I am pleading for would be a section or a consideration of the immigration regulations which would be particularly concerned with the person who comes here as a bona fide student for a temporary stay and expects to return to his own country on the completion of his studies. Each fall we receive in our campus bona fide students who will come with as many as 12 different kinds of visas.

Now, as you are aware, part of this difficulty comes from the fact that we are dealing with two different bureaucracies. The Foreign Service abroad is concerned with the granting of the visa, and the Immigration Service in this country with the checking of the visas status—making sure that he isn't employed; that he goes home when he should and so forth, and we do have a good many difficulties because of this dual responsibility. We do have a good many fellows

who come who perhaps have been given the wrong kind of visa. This is one minor illustration of the difficulty.

There are a comparable number who will be given temporary visitors' visas, and I think we are under the impression that they are given this instead of the student visa because it is a little easier for the consular official to issue it; and after they get here the Immigration Service is put to the bother and they do this very well and very easily, of changing this to a student visa status.

This happens to be important to the young man because in the latter status he isn't eligible for the Selective Service. This is a minor point perhaps, but I think it is an illustration of the fact that not enough care has been given to the problem of this small but very important segment of our foreign temporary pupils, and that is the foreign student.

I won't take more time unless you have questions to ask.

Mr. ROSENFIELD. Mr. Chalmers, you discussed two points—one is the restriction against employment, and the other is the character of the visa. Are there any other issues which in your judgment require separate treatment for the foreign student?

Professor CHALMERS. I think those are the two main issues, sir, however, there are other difficulties he runs into. He also must be cleared if security is involved or if the whole McCarran Act is involved, and this sometimes causes delays up to 6 months, with the result that the graduate student will simply give up, and he won't come because it is too much trouble.

We don't run into this so much. I think the chief difficulties come in those two fields. There are related difficulties, but they are fortunately not your concern.

Mr. ROSENFIELD. Have you any proposals to make?

Professor CHALMERS. In general, I would propose that all people who are admitted by a recognized institution in this country, for admission for study, be given a student visa, and that they be made the responsibility of the institution which is issuing; that that institution then be responsible to the Immigration Service to certify at the beginning of every semester this man is a bona fide student. This may very well mean for a graduate student getting his doctorate in physics that they will give him a full-time job at $3,000 a year. That is the pattern for some students.

This does not mean that his graduate study is being interrupted or interfered with; it is part of his graduate study and is part of his normal education.

But where we have to prove that he is a student despite his employment, and where we have to make an individual case that he is not endangering the labor supply of the country in some way by this employment, we do run into some delays and difficulties.

I think we have had, it is fair to say, very fair interpretations by the Immigration Service, and very fair administration; but I think I should say in their behalf that in order to be decent they have been forced to put quite a lot of elastic in the regulations which aren't specifically there.

The CHAIRMAN. Thank you very much.

Is Mr. Frederick F. Cohen here?

STATEMENT OF FREDERICK F. COHEN, ATTORNEY

Mr. COHEN. I am Frederick F. Cohen, an attorney, and I should like to make a brief statement.

The CHAIRMAN. We will appreciate it if you can be brief as possible, since we are short of time.

Mr. COHEN. I understand, sir. I will try to cooperate.

Gentlemen, I am here to speak to you as an attorney who has had the experience of handling deportation cases among others in the practice that I have, and while I don't pretend to be an authority in all phases of the law, and perhaps not even an authority on these matters with which I have had to contend, I still feel that within my experience I have run up against sufficient aggregation of aggravations and difficulties that the law and the law before it, the internal security law and the Smith Act, has presented to individual people, that I do feel qualified to make a few remarks; and I shall try to summarize, gentlemen, of where I think at least in these instances the law should and indeed must be improved.

The CHAIRMAN. This Commission is not concerned with the Smith Act or the internal security law.

Mr. COHEN. I understand, sir. I shall propose to be very brief and give you in summary the things I would like to speak of.

I think the law insofar as it refers to bail is so very difficult, if the Attorney General or those who need not give bail may take it away, may change it, take it away—that should be changed.

In the matter of hearings, I find in my practice that a person arrested for deportation does not even have the rights that a civil litigant would have in an ordinary court action of law. We never have the benefit of knowing anything of what the case is all about until it has been put in. We don't have the right that a person has in any court to depositions, interrogatories, motions to produce or inspection of records.

On evidence, usually the evidence in my experience has been old and moth-eaten; I am properly entered—in one case that I have had entered, in spite of statutory law against the introduction of such evidence in the circumstances that it was so entered.

Furthermore, even though we run up against these matters of evidence, we have no right to have the evidence reviewed in the courts. I believe that there should be some line drawn. There is no statute of limitations in deportation cases that I know about. There should be a doctrine, such as we have in the ordinary equity courts. In all of the courts of the land we don't have it there. In my experience I have handled cases—the Latva case is one—8 or 10 years old. I have another case where the evidence is 30 years old and a very skimpy bunch of evidence at that.

Also, I would like to make a point that frequently statements are taken from people who are inarticulate, perhaps, illiterate, and don't understand what is being done, and this is evidence, the only evidence frequently that is used against them. I think that the law which wiped out the application of the administrative procedures law to immigration cases should be repealed, and a law requiring the administrative procedures law to be invoked in the Immigration Department should be passed through Congress.

Another point I would like to make briefly is that, very frequently, in fact in every case today a person has been arrested on one law, a law that wasn't even in existence at the time the acts complained of are alleged, and even after, not until this hearing has been held is he then notified that he is being charged under a new law which didn't even exist at the time of the acts and didn't exist at the time that he was arrested. I am against the retroactive characters of the laws. I am against the points of law where the evidence is just put in, no matter what it may be, no weight is given to it, no question is ever raised of intent, of personal participation, activity on the part of the individual, or even knowledge for that matter.

Those things are never considered, and I think I may suggest that the Latva case was one such example. The law, based as it was, in my opinion, is even worse in these respects now. I think I mentioned that the law was affected, past laws, and especially present laws have affected people for alleged conduct dating back 30 years or more, affecting people who have lived in this country in one case that I have had over 50 years.

I also feel particularly that the Latva case is very much symptomatic of it: the fact that the courts do not have even the slightest discretion in overruling or changing what would obviously appear to be an injustice in the decision of the Department.

Finally, gentlemen, concerning the Latva case, I do trust that before you gentlemen leave this city, or should you have the opportunity, that you will go over the record of the Latva case. If you do I hope that you will find, as I honestly believe, that if the Latva case is any criteria of the operation of this law, and the laws before it, that that law is very definitely bad if it can affect an individual like this man the way it has and in the terrible fashion that it has.

I would like from you gentlemen the opportunity of presenting a memorandum at some further or future dates if I may.

I thank you very much for the opportunity to make the statement.

The CHAIRMAN. Thank you. We will appreciate any memorandum you decide to send to the Commission's office in Washington, and the sooner you can do it the better, because our time on the whole problem is very short.

Mr. COHEN. I thank you.

The CHAIRMAN. Mr. George K. Demopulos.

STATEMENT OF GEORGE K. DEMOPULOS, REPRESENTING THE ORDER OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

Mr. DEMOPULOS. I am George K. Demopulos, 1133 Industrial Trust Building, Providence, R. I. I am here to represent the Order of the American Hellenic Educational Progressive Association, which has about 300 chapters throughout the United States, in addition to its women's organizations and junior organizations.

I am a Greek by birth. I came here when I was 10 years old.

Now in 1906 President Theodore Roosevelt found a condition existing in the United States concerning naturalization that was not good, and a Commission, similar to yours, was appointed to make a study and a survey of naturalization throughout the world, and to

recommend to our Congress, and to our Senate, and the basic law of our naturalization laws today is that law.

But since 1906 we have drifted away from it to the extent that naturalization of an ailen is not the important thing that it was. We take away rights from the citizen who becomes naturalized as years go by, and I have this as a practical example: If a man lived in the United States for 40 years, and became a citizen, if he should go on the wrong path and commits a crime, we not only penalize him as we would a native citizen, but we go a step beyond that and we want to take away his citizenship and also order him to be deported. I think the nation of his origin would be foolish to accept that deportee, and I recommend that once a person is naturalized, if he should violate our laws, his penalty should not be any greater than a native-born citizen's penalties.

I further recommend removal of the limitation base that exists now of 60 days before the election time during which our courts do not grant citizenship. I think that does not belong in the act because all States have laws requiring when you must register to qualify for voting, so that our voting laws will not be hampered in any way if that restriction of 60 days is taken away. It will help the courts naturalize every month throughout the year.

Now something was said here by others, and at the outset may I say that for the past 25 years I have practiced before the Naturalization and Immigration Service, and I have always found them cooperative, kind, and I think in the future they will be, regardless of what some people have said here.

Now as to our present McCarran Act, that is a misleading act to the American people. The law provides for 154,000 annually, plus, to be admitted. But the mechanics of the act are such that it is doubtful if 50,000 a year will be admitted. The mechanics are that bad. It discriminates against some nations in favor of others, and we feel that the surplus of unused numbers of nations that do not use their annual quotas should be given to those other nations that have an over subscription of their quotas. There is nothing in our act to help American citizens who have adopted a minor child to bring it to the United States, other than as a quota immigrant.

We feel that our laws should be amended with proper restrictions and safeguards so it will not be abused, whereby any United States man and wife can adopt, or a citizen can adopt, a child under the age of 15, and if he wishes to bring it to the United States he should have the right to bring it as a nonquota immigrant before its eighteenth birthday.

Visitors. We have constant complaints from our people overseas, relatives and friends who go to the American consulate for visas to come to the United States as visitors. Most of them are denied that right. We feel that anyone who meets the character and health requirements, and wants to visit the United States, should be allowed to do so, and we should protect ourselves by them giving us substantial security that they will depart when their visit ends.

There is another serious thing to consider: A citizen of the United States, whether it be man or wife, if he wants to marry an alien, we say to him: Go overseas and marry and then bring the spouse over. We are putting that citizen into a terrific economic detriment. We

are asking him to go overseas, spend his money rather than spend it in a home here. We feel that if a citizen of the United States, man or woman, has an intended spouse overseas, as long as that spouse can meet the requirements of character and health, and the financial requirements, they should be allowed to come here without the citizen going to the expense of going overseas.

Now there is nothing in the McCarran Act to provide for professional and scientific people. They must come here under a quota. We think that is a grave error, and a detriment to the United States. Clergy were allowed to come as nonquota. We feel that professional and scientific persons who are needed in industry, or in our schools here, should be extended the same privileges of nonquota immigration.

The way our Immigration Act has been administered, and the McCarran Act will be administered, the Immigration Service is the complainant, is the prosecutor and the judge—this is not American jurisprudence as I learned it in the schools: and I refer you gentlemen to the Wickersham Commission which so many years ago made a study of this situation and recommended changes, and we feel the recommendations of the Wickersham Commission should be looked into and recommendations made accordingly.

Thank you for your courtesy. I shall be glad to answer any questions.

The CHAIRMAN. Thank you for appearing.

Mr. ROSENFIELD. Mr. Chairman, may I have permission to incorporate in the record at this point some memoranda that have been submitted for incorporation? One is from the Harvard Law School Chapter of the National Lawyers Guild; and the other is a statement from Mr. Prokos Kutrubes.

The CHAIRMAN. They may be inserted in the record.

(There follows the statement of the Harvard Law School Chapter of the National Lawyers Guild:)

STATEMENT SUBMITTED BY HARVARD LAW SCHOOL CHAPTER, NATIONAL LAWYERS GUILD

HARVARD LAW SCHOOL CHAPTER,
NATIONAL LAWYERS GUILD,
Cambridge 38, Mass., October 2, 1952.

THE PRESIDENTIAL LEGISLATIVE COMMITTEE,
Federal Building, Boston, Mass.

GENTLEMEN: In the name of the Harvard Law School Chapter of the Student Division of the National Lawyers Guild, we respectfully submit the following for your consideration.

Our interest in the Immigration and Nationality Act stems from our concern for the legal safeguards, and the strengthening of such, for aliens within, and naturalized citizens of, the United States. We contend that the securing of these safeguards flows from the spirit of the Federal Constitution and the laws thereunder.

In particular, we desire to point out several sections of the said act which we contend are repugnant to the spirit of the United States Constitution. These selected provisions and suggested amendments follow:

CHAPTER 5—DEPORTATION; ADJUSTMENT OF STATUS

SEC. 242 (a). Pending a determination of deportability, any alien taken into custody may be at the discretion of the Attorney General be continued in custody without the right to bail or bond.

This section is defective legally and morally in that: (1) No standards are set forth by which the granting of bail can be determined; (2) there is no judicial review of the discretionary decision of the Attorney General as to whether to grant bail or not.

As was pointed out in *Carlson* v. *Landon* (186 F. 2d 183), "The imagination can hardly create a situation more incompatible with the spirit of our institutions than that where the will of one official's completely secret viewpoint can be the basis for sustained imprisonment." This quotation is in reference to the refusal to grant bail in an immigration case.

Judge Sylvester Ryan in *Klig* v. *Shaughnessy*, a hearing on bail, stated, "certainly the principal inherent in the eighth amendment applies to deportation proceedings whether or not such proceedings technically or not fall within its scope."

In view of the manifest incompatibility between the actions sanctioned under this section and the spirit of our democratic procedure, we respectfully submit the following as a proposed amendment to this section:

"Pending the determination of deportability of any alien as provided in this act, such alien may petition the hearing officer for release on bail, and subsequently on his denial have the right to judicial review of such by the appropriate court official by those standards which are provided by existing Federal Criminal Procedure and the eighth amendment to the Constitution."

SEC. 242 (b). Sets up that a special inquiry officer shall conduct all proceedings under this act. It continues to spell out the procedure under which a deportation proceeding shall be held.

This procedure, we contend, does not guarantee the alien the requisite standards of due process. In that it omits: (1) The right to and availability of counsel; (2) impartial judge and or tribunal; (3) a bill of particulars of knowledge of the charge by the alien so charged; (4) failure to provide for judicial review of a discretionary decision by the inquiry officer; (5) failure to provide for a petition to remove a prejudiced inquiry officer, judge, or tribunal.

In the light of the patent necessity to secure for the alien a fair and impartial hearing, the following is proposed as an amendment to the above section:

"Any alien subject to deportation under this act shall be guaranteed the following requisites of procedure in any deportation proceeding, hearing, action, trial, or investigation:

"1. Right to and availability of counsel.

"2. An impartial tribunal and or judge including the separate functions of judge and prosecutor.

"3. Presenting the alien with a bill of particulars or statement of the charge.

"4. Pending the final decision, there shall be a right of judicial review of the Attorney General.

"5. The court shall provide the alien with an opportunity to petition for the removal of a prejudiced inquiry officer, to be heard before the appropriate Federal court of law."

SEC. 242 (d). Any alien against whom there is a final order of deportation outstanding, shall be subject to the following: (1) To appear from time to time before an immigration officer for identification; (2) to submit to medical and psychiatric examination; (3) to give information under oath as to nationality, circumstances, habits, associates, activities, and such other information whether or not related to the foregoing at the discretion of the Attorney General; (4) to conform his conduct and activities at the discretion of the Attorney General.

In effect, this section strips the alien of all his rights and safeguards and makes him into a prisoner of the Attorney General. This is both a violation of the basic human rights of any person, citizen, or alien and of the spirit of the first amendment of the United States Constitution.

We, therefore, amend the above section to specify the following:

"Any alien subject to deportation under this act shall—

"1. Appear from time to time before an immigration officer for examination only upon a certification of an order to appear by a court of law;

"2. Submit to a physical examination only when that is stated by the alien as his reason for failure to appear;

"3. All of the particulars stated in (3) and (4) of above are hereby repealed.

SEC. 287 (a) (1). Any officer of the service shall be empowered to without warrant, interrogate any person or alien believed to be an alien as to his right to be or to remain in the United States.

This section grants unlimited power and authority to all personnel of the Immigration Service to conduct an inquisition into the private life and personal conduct of any and all citizens or aliens suspected of being aliens, for any cause be it legitimate or not.

We, therefore, amend the above section to specify the following:

"No officer of the Service shall be permitted to interrogate a citizen or an alien without the required warrant. The requirements for the warrant being probable cause and shall establish due limitations of time and locale. Any person subject to a warrant under this section shall enjoy all the rights and privileges as guaranteed by the United States Constitution and existing law."

A rider to an appropriation bill for the Immigration Service placed the Immigration and Naturalization Service beyond the scope of the Administrative Procedure Act of 1946. Previously, the question of the applicability of the Administrative Procedure Act has been discussed and litigated and held to bring the Immigration Service within its provisions.

The issue is significant for two major reasons:

1. Sections 5 and 7 of the Administrative Procedure Act provide for the appointment of hearing officers by such procedure as will guarantee the impartiality and ability of hearing officers.

2. Section 10 provides for judicial review of the decisions of the administrative agency or administrative head.

It was not until February 20, 1950, that the Immigration Service joined each and every Government agency in coming within the provisions of the Administrative Procedure Act. This decision was the holding of the United States Supreme Court in the leading case of *Wing Yung Sung* v. *McGrath*. Justice Jackson speaking for the majority eloquently stated the reasons for their decision, "* * * But that the safeguards it (Administrative Procedure Act) did set up, were intended to ameliorate the evils from comingling of functions as exemplified here is beyond doubt. And this comingling, if objectionable anywhere, would seem to be particularly so in the deportation proceedings where we frequently meet with a voteless class of litigants who not only lack the influence of citizens, but who are strangers to the laws and customs in which they find themselves involved and who often do not understand the tongue in which they are accused. Nothing in the nature of the parties or proceedings suggests that we should strain to exempt deportation hearings from the procedure applicable to all other agencies."

As one legal writer has expressed it in Habeas Corpus in Immigration Cases, by Abraham Orlow, Ohio State Law Journal 10:314–35:

"It is hard to understand why such exemptions (from Administrative Procedure Act) is desirable, particularly, regarding the provisions for judicial review. The immigration laws of the United States and the problems which arise thereunder cannot be judicially reviewed with certainty and promptness by a writ of habeas corpus alone. A collateral and 'backhanded' procedure is not the ideal means to determine the happiness and welfare of a substantial section of the resident population."

In view of the foregoing, it is clear that fairness, procedural due process and administrative and judicial efficiency warrants the inclusion of the Immigration and Naturalization Act within the jurisdiction of the Administrative Procedure Act.

We submit the following as an amendment to the Immigration and Naturalization Act:

"This Act shall be ruled and governed by the rules, regulations, provisions, and sections of the Administrative Procedure Act without exception."

As law students, we are particularly aware of the necessity of providing as far as possible these procedural guaranties which the history of the law in our country has shown to be essential to the fair administration of judicial and quasi-judicial actions. These guaranties are desirable, not only so that the alien will be offered every opportunity to present the true facts of his case but that the officials responsible for the action will be responsible under the law to see that each alien is accorded every right and privilege under existing requirements.

We believe that these recommendations will substantially aid that result and we therefore respectfully submit them as,

Respectfully yours,

NATIONAL LAWYERS GUILD,
HARVARD LAW CHAPTER.

(There follows the statement of Mr. Prakos Kutrubes:)

STATEMENT BY PRAKOS P. KUTRUBES, STEAMSHIP AGENT, 320 TREMONT STREET, BOSTON, MASS.

TO THE PRESIDENT'S COMMISSION OF IMMIGRATION AND NATURALIZATION.

GENTLEMEN: I wish to make a statement in regard to the Nationality and Immigration Act based on my experience as steamship agent for the past 45 years. I believe that the Immigration and Nationality Act should be revised regarding the provisions of parents of American citizens, wives or husbands of American citizens, and adopted children of American citizens. Under the act, parents of American citizens are placed on a preferred-quota status. That means that in small-quota countries like the southeastern European countries, these parents will have anywhere from 2 to 4 years' waiting period before their quota number is reached. In many cases where parents have applied for quota numbers, they died or became totally incapacitated for travel before their number was reached and the children or grandchildren were deprived of the opportunity to see their parents or grandparents. For this reason, I think that parents of American citizens should be permitted to come as nonquota immigrants. Regarding sponses of American citizens the act also works hardship in many cases. Under the act, a foreign spouse of an American citizen must wait 1 year before they can come to the United States. Besides that an American citizen engaged to a foreign sponse must go out of the country and marry and then a year later bring his spouse back into the United States. In practice, many American citizens who became engaged to nonresident foreigners arranged to go to Bahamas or other nearby countries, marry there and then eventually return to the United States. It is submitted that American citizens should be permitted to marry their respective sponses in the United States and that upon marriage they should become nonquota immigrants.

Many American citizens who have no children are desirous of adopting minor children of their close relatives and bring them to the United States to live with them as their own children. Under the act, this is impossible unless the adopting parents and the children at least 1 year live with them before they can qualify to come in as nonquota immigrants. As a practical matter, this is unworkable. The child must either come here as a temporary visitor on a pretext and then be adopted after a year or the adopting parents must go to the foreign country and stay there 1 year with the child and then adopt it and bring it to the United States. This procedure makes it practically impossible to adopt such a child and bring it to the United States.

It is submitted that if American parents are willing and do adopt a minor child in a foreign country they have committed themselves legally to the support and care of such a child and that such child should have the same rights as a natural-born child of the adopting parents.

Respectfully submitted.

PRAKOS P. KUTRUBES.

The CHAIRMAN. Mrs. Florence H. Luscomb.

STATEMENT OF MRS. FLORENCE H. LUSCOMB, STATE CHAIRMAN OF THE PROGRESSIVE PARTY OF MASSACHUSETTS

Mrs. LUSCOMB. I am Mrs. Florence H. Luscomb, 140 Huron Avenue, Cambridge, and I am State chairman of the Progressive Party of Massachusetts.

Like all but an infinitesimal number, a handful of Americans, and I am sure like everybody who is here, I am a descendant of aliens. Therefore, I must regard the foreign-born not as hated and dangerous enemies, but as the wonderful, raw material out of which America is made. The bipartisan McCarran-Walter law violates every basic principle of American democracy; first and foremost, its quota provisions individually discriminating between races repudiates the Declaration of Independence for the principle that all men are created

equal. The quotas substitute the master-race theories of Hitler. We should certainly advocate the doing away with the national quotas.

Secondly, the law violates the freedom to think and speak according to the dictates of one's conscience, in its deportation provisions. Aliens and naturalized citizens are penalized for mere beliefs and opinions without committing a single illegal act.

Third, the provision that the foreign-born are deportable for such undefinable offenses as actions prejudicial to the public interest, and that there is reason to believe that they would be likely to do something—3 million aliens, and 11 million naturalized citizens—subject to the totalitarian whims of whatever current administration happens to be in office.

Fourth, the law subjects men and women guiltless of any crime to bankruptcy and inhumanity. It tears families apart, exiles mothers from their children, sends old people who have lived here from infancy to strange and friendless lands without means of support. It even sends anti-Fascists back to execution by Fascist governments.

We cannot so tear up the Declaration of Independence, and the fundamental laws of democracy, justice, and humanity, for the foreign-born, without tearing up the guaranties of our own freedom. It is as inexorable and inexorably true today as it was when Lincoln said it: "Those who deny freedom to others deserve it not for themselves and under a just God cannot long retain it."

More than 150 years ago the American people, led by Thomas Jefferson, rose against a similar alien tradition law similar to this, and I believe every lover of American liberty today will demand the repeal of this McCarran-Walter law.

The CHAIRMAN. Prof. Pettibone Smith.

STATEMENT OF PROF. LOUISE PETTIBONE SMITH, IN BEHALF OF THE AMERICAN COMMITTEE FOR THE PROTECTION OF THE FOREIGN-BORN

Professor SMITH. I am Louise Pettibone Smith, professor of biblical history at Wellesley, Mass. I am speaking for the American Committee for the Protection of the Foreign-Born, of which I am cochairman. I am also honorary chairman of the Massachusetts chapter.

In the few moments that I have, I would like simply to underline one or two of the things that have already been said about deportation. The American committee has at this moment some 250 people who have appealed to us, or to the local committees affiliated with us, for aid. Most of these 250 are being deported because they were at one time members of the Communist Party.

So far as I understand it, the McCarran Act procedure, in regard to deportation, assumes that deportation is not a penalty; therefore, when a man is ordered deported, since he is not receiving a penalty, he is not entitled to the protection of the law. Now, one of the people under deportation sentence is 68 years old. She has been 45 years in this country. She brought up four daughters, several of whom are married, and she has grandchildren. It is certainly—whatever it is in law—it is certainly a definite penalty to send that woman back to

a country she left 45 years ago. I checked the first 74 names on the last list that we had last summer. Out of that first 74, three-fourths were men and women over 50 years of age. Sixty-three out of the seventy-four had been 25 years or more in this country, and only 4 out of the first 75 had been here less than 25 years—20 years. One-half of the 70 had been under 20 when they came to this country.

Now when boys in their teens, just wanting to get married couldn't get jobs in the depression, a lot of them ran with the Communists. They grew up, they married, the depression was over, and they are no more Communists than I am. But they had for a while, like Carl Latva, joined the Communist Party, technically, therefore are deportable.

It seems to me that whatever the intent of the law, the working out of the law has made it a tool in the hands of people who want their own way. A lot of these men have been active in union work. It is lots more peaceful in the town where they live, I suspect, if some of them aren't there. Some of them, I think, have incurred the jealousies or the irritation of somebody in authority.

Here is the McCarran law. One person already has spoken of the way people threaten one another in a quarrel with deportation. Unless we can have legal safeguards in this matter of deportation, and unless we can get rid of this retroactive clause, that threat is serious. I know some of these people personally. As one said of Carl Latva, whom I don't know, that he is good at tools and he is the kind of neighbor that you can wake up in the middle of the night when your plumbing goes wrong and he will fix it for you. Most of these people that I have met I should be glad to have as my neighbor.

It seems to me that we are forgetting the guaranties of this Constitution. It was in 1945 that Justice Frank Murphy said:

> When one is an alien, lawfully enters and resides in this country, he becomes invested with the rights guaranteed by the Constitution to all people within our borders.

The McCarran Act in its present form abrogates that decision. Like Mrs. Luscomb, my people were Americans for a long time. I want America to play fair with the aliens.

The CHAIRMAN. Thank you very much. There is one thing I am curious about. You talked about this woman who had been here 45 years, who had in the meanwhile become a mother and a grandmother. Why did she never become a citizen of the United States?

Professor SMITH. Why she as an individual didn't, I am not sure. With a good many of these people of whom I do happen to know, it is because they moved around looking for jobs. They never stayed in one place long enough to get naturalized, and there is also the fact—which I am sure must be within your experience—that in a good many small towns, in a good many places in this country naturalization of people who don't speak good English is not so easy. Some of them have tried and been turned down once or twice, and they just got sick of it.

One woman, on the west coast, came to this country as a baby and didn't know she wasn't a citizen since all her brothers and sisters were, until they threatened to deport her. A good many of the foreign women don't think of getting naturalized. You see, anybody as old as Mrs. Kratochvil, what was the point? When she was a young

woman over here and since she is older, I suppose it just didn't occur to her. She is being deported because she was a member of the direct predecessor of the Communist Party.

There is no suggestion of the fact, apparently, that she is a member or ever has been a member of the present Communist Party. It does look, as if in certain parts of the country, the McCarran Act is being used as a tool to terrorize, but I have no proof of that, I just can't understand some of the things that have happened on any other ground.

If you can't deport a militant union leader because he is born in America, but you can deport his mother or his father, or even maybe his grandmother who wasn't born in this country, and then maybe he will keep still or the others like him will. I don't think people think that out in so many words as clearly as I have put it, but I think that is an underlying motive in a great many of these deportation proceedings.

The CHAIRMAN. I am still curious why that those who have been here such a long time—and you mentioned that you know of cases, many of them in that category—I'm curious to know why they never became citizens of the United States. You said in many cases it was because they moved around the country a great deal.

Professor SMITH. That is true of the boys especially. They took a job 2 years here and they went somewhere else and took a job, and by the time they were settled down and grown up——

The CHAIRMAN. But surely some of them have located in a particular spot and stayed there, and yet never became citizens.

Professor SMITH. How many citizens stay away from the polls every year? I think with some of them it is just that same kind of indifference. It just didn't occur to them that it was important. Now I don't think you would want to drive out of this country all of us who don't go to the polls when we ought to, and for many of them the naturalization seemed just like that. They weren't thinking; they were already here; they had a nice house and the town was all right, why should they mix in politics.

The CHAIRMAN. Thank you very much.

Professor Carl Friedrich will be our next witness.

STATEMENT OF PROF. CARL FRIEDRICH, PROFESSOR OF GOVERNMENT, HARVARD UNIVERSITY

Professor FRIEDRICH. I am Carl Friedrich, professor of government at Harvard University.

The CHAIRMAN. The Commission will be glad to hear whatever statement you may desire to make in connection with the work of the Commission.

Professor FRIEDRICH. I have just returned from Europe where I have been acting as a consultant to the people who are engaged in bringing about the unification of Italy, France, Germany, and the three Benelux countries, so-called. I got back yesterday afternoon.

I have been very much struck by the fact that here we have a striking illustration of the forward march of events, these European nations, and others who are in the process of being associated with them, like the Greeks, the Turks, and the Scandinavian countries.

They are all more and more inclined to look upon themselves as one family, with one common cultural tradition, with one common interest in the maintenance of democracy and liberty; and yet in our immigration laws this is the thing that I found when I bought the paper yesterday upon my return, we insist on continuing the distinction between Italians and Germans, between Greeks and Scandinavians. It seems to me out of date, and I know that it seems out of date to the European experts and statesmen with whom I have been working in the last 3 weeks. I think if these old nations can now get together as one common family, it seems only right that we here in the United States should recognize this progress, and also put these nations on a common basis rather than differentiate between them on a quota system, and, of course, I hope you will forgive me if I, as a scholar, say that to me the quota system is based upon some antiquated ideas on anthropology and sociology which no longer make much sense.

I don't think that anyone who examines the history of American social progress in the last 50 years could possibly substantiate the proposition that some racial stocks have made substantially greater contributions than other racial stocks. We from all racial stocks have had to work hard with the hands to contribute to the progress of this Nation, and the educated have made their contributions; but, let me take Harvard University: We have the Russians represented by Sorokin, and the Italians represented by Feifer and several others, and we have the Dutch represented and the Scandinavians represented and the Germans represented, and none would want to say that the contributions of the Scandinavian was greater than that of the Italian or the German, and greater than the people from some other nations. That is one thing that I wanted very much to say to your group.

The other thing I wanted to say was on a more personal basis but it happens to have been reinforced by my recent experience in Europe; and not to mislead you, this recent experience is not something that just came about. I was constitutional adviser to General Clay in 1946, 1947, 1948, and I was constitutional adviser to the Puerto Rican Government last year so that these activities are part of my regular work and have been for many years. But I was very much perturbed when I received the draft of the new legislation and found that it reenacted a number of provisions which amount to making the naturalized citizen a second-class citizen.

In the first place, I think it is quite definitely contrary to the ideas upon which this Nation was built. A great many of the greatest Americans were immigrants. Carl Schurtz was an immigrant, but he was a Secretary of the Interior and he was the founder of the civil-service system in the United States. I mention him because being myself of the German lineage he comes readily to mind. But you will know of many others of a similar sort.

Now there seems to me no excuse whatever for providing that an American citizen who freely chose to become a citizen of this country should be subject to a proceeding whereby he can be deprived of his citizenship unless he acquired citizenship by fraud, which is a different matter. He really never acquired it, and so the judgment is a declaration that he never required it.

But if a man like myself came to this country—I came to this country approximately 30 years ago and married an American girl

and raised children who were American and who served in the Armed Forces of the United States—who has completely identified himself with the fortunes of this country, and who has been repeatedly told by the most respected among his fellow citizens that his services have been valuable—should he continue to be living under a situation whereunder he could de deprived of his citizenship? Not unless you want to recognize that anybody can be deprived of his citizenship, which is a completely outmoded notion in the modern world. In the ancient world that was the case; you could banish people because you happened not to like them. You could banish them because they could go to other places. But in the present situation that is frequently not the case.

For instance, if you today deprive a Pole who becomes an American citizen of his citizenship, he has no place to go. If you had deprived me of my citizenship 10 years ago, since I was a known and very determined opponent of the Nazi system, that was a death sentence. Now, I don't think that any law enacted in this Nation should contain provisions of this kind.

I will make a concession. If you wanted to say a man should prove himself, I would be willing to say "all right." Let us say that for 5 years, or 10 years even, he is like a new club member on a basis of proving himself: but, after that, there should be no such provisions in any law, and I would like to conclude this by assuring you that I have just gone through these lengthy deliberations with European jurists on the constitution that they are now in the process of making, and we got into an argument when we discussed citizenship in the new United Europe. There was a sharp criticism of this tendency in the United States. They said: We are now creating a common citizenship for Europe, and we are much interested in the experience in the United States of America, but when we hear that you, after 150 years of experience which you claim to have been successful, find it necessary to provide yourself with the power of depriving people of their citizenship, after a lifetime of association with your Nation, we are wondering whether your democracy is such a success as you claim it to be.

Now, this was to me a very hard argument to take, but I report it to you, because I was confronted with it in Brussels 3 days ago, and I think myself that for the very fact that we are today in the United States placed, and would like to fulfill the role of leader of the free world, we should not give ourselves this type of weakness which offers easy opportunities for attack by our enemies.

Now, I am very happy, Mr. Chairman, to answer any questions; but these are the two very general points which I wanted to lay before your Commission as I have reflected upon the law that you are considering.

The CHAIRMAN. With regard to the deportation provision contained in this act, how do you look upon those cases where persons admitted to this country voluntarily choose to remain aliens for a long period of time, and they violate the laws of this country in which they are guests?

Professor FRIEDRICH. I hesitate to comment on this question, Mr. Chairman, because I am not fully conversant with the provisions of the act, and to the extent to which I have knowledge of this matter, a number of cases that have come up in which I have had occasion to

reflect upon it, I have been struck with the variety of situations that confront you; for instance, this summer in New Hampshire, we have a little country place up there, and this case of this fellow came up who was a Communist some time ago, and although he is married and settled and everybody thinks highly of him, now he must be deported because what he had done at that time has become an offense. Now, but quite apart from the retroactive aspect, I have been impressed in this and in a number of other cases with the fact that when you say a man has voluntarily chosen not to become a citizen, I'm wondering in how many cases this really was truly a deliberate act.

It is true, for instance, that in the case of some of these old Italian workers they really didn't know what it was all about when the matter was finally drawn to their attention; they didn't realize that this was not like a common-law marriage; that after a certain number of years you just are part of a thing, and since they just worked at their place they were caught.

I know of one case, that of former Chancelor Bruening, who deliberately chose to remain a German citizen for reasons which are a bit understandable since he was a prominent political figure, and he is actually returning to Germany and I think he always intended to return to Germany, which is a very strange statement to make if you know Dr. Bruening, but Dr. Bruening committed a very serious crime in 1939. He had come to this country as a refugee from Nazi terror and persecution. I believe myself that to execute Dr. Bruening, depending upon the nature of the crime, would have been entirely appropriate. He should be treated like everyone else. But to deport Dr. Bruening to Nazi Germany, from which he fled here, would have been probably unjust, unless you wanted to execute him, and if you did want to execute him I don't see why you couldn't execute him here rather than go through all the expense of shipping him back to Germany and creating an international incident.

So, I would rather, on the ground of prudence be inclined to say you don't want to have a hard and fast rule; you would not want to preclude the possibility of deportation when that seemed indicated, but I would rather have no general provision for deportation, and say that when the legislative authority, in connection with a particular kind of crime wishes to provide for deportation, it should be considered a special type of punishment to be meted out in connection with a special kind of crime; and ordinarily, as is true in all civilized countries, the resident in the country should be treated as a resident in the country even if he had citizenship elsewhere.

Deportation is a very antiquated method under modern political conditions, and I am particularly inclined to urge this because the moment you raise the issue of deportation you bring into the picture an authority—namely, the immigration authorities—which are, due to the clear line of judicial decisions by the Supreme Court and other courts, much less subject to judicial restraint than other governmental authorities. And I think we ought to be very slow to involve these judicially unrestrained authorities in connection with the punishment of crime.

The CHAIRMAN. What would you do in those cases where deportation orders issue but cannot be executed as where the alien's country refuses to accept him?

Professor FRIEDRICH. Well, my inclination would be, sir, this springs from my general thought about law: That it would be perfectly justifiable to say that the commission of certain kinds of violations by an alien is a more serious crime than the commission of the same acts by a citizen; and, therefore, an alien should be given 2 years, where a citizen is given 1 year. But deportation is, in my opinion, not the way to cope with these situations because it is an undifferentiated judgment. It always reminds me of the days a thousand years ago when for any number of crimes, as you can read it in the laws, people were killed, and the reason was there were no prisons, no administrators, and the only thing you could do when somebody did something you didn't like was to chop off his head. Well, the whole program of criminal law has been to differentiate and to introduce humane considerations so that the punishment fits the crime, as we say.

Now, deportation is a punishment that very frequently doesn't fit the crime at all; and, as you say, the result is that, since no one wishes to enforce the unsuitable punishment, no punishment at all is provided, which is a mistake.

Commissioner O'GRADY. What are your views on the retroactive aspects of this act, especially with regard to membership in organizations that are designated by the Attorney General as subversive?

Professor FRIEDRICH. You are raising now, sir, the question of retroactive legislation; on this I am very firm—I mean I am opposed to all retroactive penal legislation. I think it is subversive of all good order and law. The Nazis do it, and the Communists do it, and it is an uncivilized, undemocratic, illiberal method to say that because I now feel differently about something that was done 10 years ago than I did 10 years ago, I will now decree that what was done 10 years ago was then a crime or a criminal act. This is slightly unacceptable for any kind of legislation.

The CHAIRMAN. Should the penal aspect be restricted to the case of membership in a subversive organization involving more than the single act of membership alone?

Professor FRIEDRICH. You know—probably others have told you—that one of the most unfortunate things that we have done was the provision in the McCarran Act by which aliens were barred from coming to this country because of membership in organizations objectionable for one reason or another to people in this country. You probably heard about the reaction in Italy where somebody got up in the Parliament in Italy and said he wished to introduce a law that the consulates in the United States be instructed that no one could be granted a visa to Italy from the United States who had belonged to the Ku Klux Klan or any other antidemocratic organization. It riled our friends in Europe no end that we should concern ourselves with what people had done, often 20 years ago.

You have heard about all these cases of people who were one thing or another in 1925 or 1937. In other words, while I stress the penal aspect, Mr. Chairman, I am not sure it is quite right restricting it to the penal aspect, because while strictly speaking we speak of punishment in relation to crime, actually to deny, for instance, a person a passport who wants to go and visit his old mother in Italy is a punishment. Now, you can say "Oh no; this isn't a punishment; I'm just

not giving him a passport," but to this man it may be more of a punishment than if you fined him a thousand dollars. If you said to him "Because you belong to a Communist organization I won't give you a passport but for a payment of $500," he might say "All right; I will give you the $500." He would much rather do this than not be able to visit his old mother in Italy. Yet, this is precisely what is being done at the present time.

Now it is wholly objectionable. However, I haven't had that part of the act examined. I have concentrated on these points which I spoke of first which at one time Senator Saltonstall asked me to comment on.

Commissioner FISHER. Many of the witnesses who have appeared have criticized the national-origin quota system as having anachronistic qualities, but there has been a considerable difference of opinion as to what to substitute for it. Have you any opinion as to what you would propose in lieu of the national-origin quota system?

Professor FRIEDRICK. I was struck by the very fact that Senator Lehman, in his testimony the day before yesterday that was reported in the New York Times—and I only know what was said in the New York Times—said that the admission should be based upon considerations of qualifications. Now, I think that introduces a very doubtful possibility. In the first place, what constitutes qualification? That could be worse than a quota system under which you admit anyone who wants to come, provided he is an Italian and is not over the quota. Very vicious kinds of discriminatory judgments could readily develop under such an arrangement, and I would myself be inclined to say that, as long as you develop a more flexible program, the thing that's bad about the quota system is that you take an arbitrary year, before the beginning of this century, and you say, "According to this year, that was a good pattern of immigration; according to this year, we permit immigration every year ever after." That doesn't make very much sense.

Commissioner FISHER. Would you favor an immigration system with a ceiling based on present-day population on an across-the-board basis, without any distinction between Europe and Asia?

Professor FRIEDRICH. I would draw a distinction, sir, between the nations of European culture who have founded this Nation and in terms of whose culture this Nation's culture has developed. To my way of thinking, America is in broad, overglobal cultural terms part of what we call western culture. That is to say, broadly speaking, the area of Christianity. And then you get to the areas of the world—and this is not involving in judgment in values—whose people are shaped by Buddhism, Confucianism, Mohammedanism, or what have you; and, due to the fact that I attach a great deal of importance to religion as a formative force in shaping human beings and shaping human culture, I would say that I would consider these two things as separate. I would say that there is no reason why a vital and vigorous community like the United States of America—or the United States of Europe, for that matter, if they come into existence—could not assimilate a certain number of people from a wholly alien culture—Confucianism or Buddhism or Mohammedanism—but it would necessarily be a limited number. So, I would say that in the case of these the argument for a quota is much better founded scientifically than

in making a discrimination between Germans and Italians or between Scandinavians and Spaniards. I would say, as far as—let's call it—the European culture is concerned, my inclination would be to say, if we are willing to admit 150,000 Europeans, I would set the quota between them according to the population in each of these countries. If there are 45,000,000 Italians, then they would have that percentage of the quota, and if there are 50,000,000 Germans, that percentage, and if there are 8,000,000 Dutchmen, that percentage, and I would parcel it out between them in this way.

Commissioner FISHER. With the rationalistic urgings present in areas of the non-Western World today, such as the Middle East, would it not be a mistake for the United States to identify itself solely as a white Christian country?

Professor FRIEDRICH. I would say simply that here you have a potential problem of the magnitude of personal assimilation because if you applied your standard of population, why, then you would have to admit 10 times as many Chinese as you would Italians.

And this is absurd, and consequently what I am saying is that, in connection with the admission of people from wholly alien cultures, a different criteria has to be considered than in connection with the admission of people from the same culture, and this criteria, I would say, was in terms of absorptive capacity.

Commissioner FISHER. Is it good policy for the United States to say that in terms of assimilation there are two worlds, the white Christian world and the Middle and Far East? Will that not be seized upon for propaganda purposes by the Communists?

Professor FRIEDRICH. I think that you find quite a bit of sympathy between those broad-minded people with whom I have been working in Europe. It is confronting them in connection with Africa, particularly north Africa. The European union that is now being built will have to include some north Africans. Why? Because the people who live in Africa are already part of France, the elective part of the French Assembly, and they will necessarily become part of Europe because they are part of France. If they do, if the people in Tunisia and Morocco, why not people further down, and you get into this same kind of problem and of course there you raise a problem of how you want to define the terms.

Mr. ROSENFIELD. How do they meet it? How is the European union planning to meet that issue?

Professor FRIEDRICH. At the present time they haven't arrived at any decision.

The CHAIRMAN. Let me ask you this question: If you were going to allocate the number that could be admitted to the United States on the basis of population, what would you do with the unused portion such as England's and Ireland's, which they haven't been using?

Professor FRIEDRICH. I would transfer them. I would use those for the emigration of people where you have surpluses, that's what I meant by transferring them. That is, if you have an allocation of X-thousand for Britain and only X minus Y people want to come from Britain than otherwise, then I would give Y to Italy if, say, YX plus Z want to come.

The CHAIRMAN. Would you give it all to Italy or would you make a reallocation on the basis of use?

Professor FRIEDRICH. I would be inclined to make a reallocation on the basis of use.

Commissioner O'GRADY. Do I understand you are opposed to having a quota system based in part on selection according to skills?

Professor FRIEDRICH. Yes; that's why I expressed my apprehension about any criteria type of selection. I'm all for flexibility, generally, in administrative matters, provided that the flexibility does not lead to excessive bureaucratic authority in substitution for law. This, I think, is always the danger of flexibility.

At my headquarters in Europe I had plenty of opportunity to watch that and see our struggles with it and, as you know, it continues. Poles arrive, Czechs arrive, there are the German expellees—but I agree with George Shuster that the numbers involved are often greatly exaggerated. Probably the greatest single pool of people who are ready to go tomorrow are the Italians.

Commissioner O'GRADY. From what part of Italy?

Professor FRIEDRICH. Southern Italians, Italians from the starving agricultural district where they cannot make a living.

As a matter of fact last year I talked with Mr. DeGasperi and two or three members of the Italian Government about whether or not something special could be done for this desperate situation—but on the whole I think he is right, that the tendency is to exaggerate the numbers involved and I am concerned about starting to say that we will take farmers, or we will take maids or we will take textile workers and so forth, because this type of approach presupposes really the kind of directed, if not planned economy which we do not have in this country. Here is your handy and undeserved bonus to somebody on the basis of bureaucratic discretion which I think is not good.

The CHAIRMAN. Thank you very much.

STATEMENT SUBMITTED BY VERA B. HANSON, CRANSTON, R. I.

Mr. ROSENFIELD. I have a letter here, Mr. Chairman, from Mrs. Vera B. Hanson.

The CHAIRMAN. Please read it into the record.

(The letter from Mrs. Vera B. Hansen, read by Mr. Harry N. Rosenfield follows:)

PHILIP B. PERLMAN,
Chairman, Commission on Immigration and Naturalization.

DEAR SIR: Just noticed an item in Monday's papers as to this meeting so am rather late for Boston meeting but maybe the thought expressed will not be too late.

Read over the names of the criminals in this country.

Should we not limit emigration from these places until those already here have become better citizens? Why let them in under the title "displaced"?

The McCarran-Walter Act is all right as I see it. One or two may be hurt but these cases could be carefully examined and pardoned if found unjust while the law would keep out such floods as are unworthy and are working to destroy the ideals on which this Government was founded.

Call a halt on immigration until the world settles down to more peaceful living is my advice.

Just one voice among millions, but may it be heard.

MRS. VERA B. HANSON.

57 BRANDON ROAD, CRANSTON, R. I.

Mr. ROSENFIELD. Mr. Chairman, may I request that the Boston record remain open at this point for the insertion of statements sub-

mitted by persons unable to appear as individuals or as representatives of organizations or who could not be scheduled due to insufficient time.

The CHAIRMAN. That may be done.

This concludes the hearings in Boston. The Commission will stand adjourned until we resume our hearings in Cleveland, Ohio, at 9:30 a. m., October 6, 1952.

(Whereupon, at 6:30 p. m., the Commission was adjourned, to reconvene at 9:30 a. m., October 6, 1952, at Cleveland, Ohio.)

STATEMENTS SUBMITTED BY OTHER PERSONS AND ORGANIZATIONS IN THE BOSTON AREA

(Those submitted statements follow:)

STATEMENT SUBMITTED BY HON. FOSTER FURCOLO, A REPRESENTATIVE IN THE UNITED STATES CONGRESS FROM THE STATE OF MASSACHUSETTS

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., September 18, 1952.

HON. HARRY N. ROSENFIELD,
Executive Director, President's Commission on Immigration and Naturalization, 1742 G Street NW., Washington, D. C.

DEAR MR. ROSENFIELD: I was indeed pleased with the President's action in setting up a new commission to study the present immigration policies of the United States.

The recent action of the Congress in overriding the veto of the McCarran Immigration Act was, in my opinion, unwise and a great disappointment to me.

Racial prides and prejudices are not adequate or fair criteria on which to base an immigration act, coupled with the name of the United States.

The McCarran Act militates against the proud tradition that the United States is the refuge for the persecuted and the enterprising, who will not submit to tyranny.

The underlying prejudices of immigration laws, including the McCarran Act, based on racial origins of Americans, dated either 1790 or 1920, are obvious to even the casual student of these measures. The most positive and ample evidence that they are unfair and unrealistic is found in the scurrilous, unprincipled publications of our native bigots which come uninvited to every congressional office and praise these recent "exclusions," not "immigration," measures.

Discussion and passage of the McCarran Act came during a period when the entire world is most sensitive and alert to the thinking in the United States. I doubt that any piece of legislation, even those which affected directly the economy of other nations, so jeopardized American prestige and international relations as this so-called immigration bill. Passage of the Displaced Persons Act in 1948 and its amendments in 1950 enhanced the reputation of our country of being tolerant, humane, and, above all, charitable. Passage of the McCarran Act did more to wreck the good reputation we enjoyed for centuries than the Kremlin could do in years of propaganda.

Underlying this vicious and completely un-American philosophy of the McCarran Act is the shabby, outworn myth of Nordic superiority, discredited so thoroughly by the Nazis. Differences between nationalities do not mean inferiority. If southern Europeans, for example, kept their own cultures behind some silken curtain of their own, virtually every art museum in the United States would have to shut up shop and our symphony orchestras might well have quite a monotonous repertoire.

If a fair immigration law is to be written—and I hope fervently that one will be drawn—and if a survey of racial origins and an evaluation of what nationalities have given most to the United States is made, then dusty, disintegrating records of decades or even centuries ago should be disregarded.

Let the legislators scan the records of the men and women who served the American cause so gallantly in World War I and World War II and those now defending the cause of freedom in Korea. It would not be too much to ask of these lawmakers to take a stroll through any of our military cemeteries and read the names of those who made the supreme sacrifice in upholding our national honor and defense.

The McCarran Act should be revised quickly. My own preference would be for the pooling of unused quotas from all nations, as provided in some of the substitute proposals. We must remain the hope of freedom-loving peoples everywhere.

With all good wishes, I am

Sincerely yours,

FOSTER FURCOLO.

STATEMENT SUBMITTED BY JOHN N. M. HOWELLS, CHAIRMAN OF THE LIBERAL CITIZENS OF MASSACHUSETTS, WESTON, MASS.

40 WELLESLEY STREET, WESTON 93, MASS.,
October 2, 1952.

The Liberal Citizens of Massachusetts, a voluntary association of Massachusetts citizens, wishes to go on record as favoring the extensive revision or repeal of the so-called McCarran Act dealing with immigration and naturalization.

The Liberal Citizens of Massachusetts regards it as a great misfortune that the opportunity for wide revision and improvement of the previous confused body of immigration law should have been lost through the adoption of the above-mentioned act, which has incorporated many of the objectionable features of the older laws and made our immigration legislation in many ways more rigid, restrictive, and illiberal than before.

In particular we condemn—

The broadened application of restrictions based on national origin and race. These restrictions confirm and advertise a theory of the superiority of one racial stock over another, regardless of individual character and abilities, which we consider untrue to traditional American principles.

The elimination of sections of the previous law which provided special admission for ministers and professors. The new requirement placing such persons on regular quotas will put new blocks in the way of intellectual and religious exchange between nations which is vitally important at the present time.

The establishment of procedures for revocation of naturalized citizenship on the basis of associations which may be contracted up to 5 years after naturalization. This threat establishes an inferior class of citizenship where all citizens should be equal before the law. To make the prize which the immigrant must work hard to obtain one which may be arbitrarily taken away is to cheapen that prize.

Provisions which virtually bar immigrants without special skills or professional qualifications. Such provisions dispel at one blow the vision of America as a haven for the oppressed and unfortunate of other lands and serve notice that our generosity is to be extended only to those who will bring with them everything they need, who will, in fact, make no demands whatever upon that generosity.

The Liberal Citizens of Massachusetts believes that the great need in the world today is a progressive lowering of barriers to the movement of peoples, a progressive increase in the exchange of ideas and a progressive abandonment of discriminations based upon ideas of racial superiority which are obsolete in the modern world. We therefore believe that the McCarran Act should be replaced.

LIBERAL CITIZENS OF MASSACHUSETTS,
(Signed) John N. M. Howells,
JOHN N. M. HOWELLS, *Chairman.*

STATEMENT SUBMITTED BY B. L. SMYKOWSKI, M. D., BRIDGEPORT, CONN.

405 BARNUM AVENUE, BRIDGEPORT 8, CONN.
October 3, 1952.

COMMISSION ON IMMIGRATION AND NATURALIZATION,
Executive Office, Washington 25, D. C.

GENTLEMEN: I regret very much that I was unable to attend your meeting in Boston, Mass., to which I was invited, held on October 2, 1952.

Please permit me to express my views now, in this letter, pertaining to the immigration and naturalization policies of the United States.

I am very much opposed to the McCarran Immigration Act because it does great injustice and discriminates against honest and hard-working people who have proved their devotion to democracy. It favors certain people from certain countries, who during the world wars contributed very little to the victory of the Allies. The countries, especially of central Europe, received very little or practically no consideration for their effort to uphold democracy. The central European countries like Poland, with a population of 33,000,000 people before the Second World War, received a set quota of approximately 6,000 eligible to enter this country yearly.

There are about 165,000 Poles living in Germany, people who are now exiled from their native land because they refuse to knuckle under to Communist tyranny. Lithuania, Estonia, Latvia, and other Slavonic countries are deprived of freedom same as the Poles. Italy is desperately overpopulated. Yet, under this new law, Italy is given a quota less than 6,000.

Your honorable body should take under particular advisement and consideration the pitiful plight of the 165,000 Poles left in Germany at the present time, according to latest information.

You can rest assured that the Germans are not friendly and kind to them. The Poles in Germany cannot obtain jobs. They are fed poorly and receive very little medical care. There are many so-called hard core people amongst them and many, many children and young people who should be given an opportunity to attend schools, and receive decent education under the guidance and supervision of the United States and other democratic countries.

The Poles are thrifty, hard-working people who desire to make an honest living. Those that were brought here to this country through IRO are an asset to this country. They are working in factories, farms, and homes of American people, and, with very few exceptions, they are praised by their employers. Their children, as well as the parents, make splendid material for future citizens of our country. I am basing my latter remarks on actual experience with recent arrivals of so-called DP's, having had a splendid opportunity of coming in close contact with them through the State of Connecticut Governor's Committee on Displaced Persons, of which I was a member.

As you are undoubtedly aware, Poles came to this country in 1608, when Captain Smith, leader of the Jamestown, Va., Colony, asked London to send him some Polish craftsmen. Ever since then the Poles have been rendering valuable assistance in the building of this great country of ours. Such outstanding soldiers as Brigadier General Pulaski, father of the United States cavalry, who died for the freedom of the Colonies; Brigadier General Kosciuszko, the founder of West Point; and hundreds and thousands of others that participated in the various wars of the United States, gave a splendid account of themselves and have a splendid record as valiant soldiers and heroes.

You will find them not only as gallant soldiers but good builders of our great industrial empire. You will find Poles in the steel mills of Gary, Ind., and Pittsburgh, Pa. You will find them as miners in the mines of Pennsylvania and West Virginia and you will find them in the various factories throughout the country. They are splendid farmers in the States of Wisconsin, Illinois, Minnesota, New York, and New England. They are fine tobacco growers in the Connecticut Valley. You will find them in the various professions of our country, in banking, and all types of business enterprises and in all walks of life.

Gentlemen, we need people of that type now in this country. They are ready to stand shoulder to shoulder in the defense of our liberties and our democracy. People of Poland are enthusiasts of freedom. They know what it means to be slaves, and they are anxiously waiting for the United States to yank them out from behind the iron curtain.

Gentlemen, I submit these few remarks for your consideration and I appeal to you from the bottom of my heart to correct the Immigration Act in such a manner that it will bring justice to all the people of Europe, especially those that are behind the iron curtain.

Very respectfully yours,

(Signed) B. L. Smykowski, M. D.

STATEMENT SUBMITTED BY MYRON W. FOWELL, SECRETARY OF THE MASSACHUSETTS CONGREGATIONAL CONFERENCE AND MISSIONARY SOCIETY, BOSTON, MASS.

MASSACHUSETTS CONGREGATIONAL CONFERENCE AND MISSIONARY SOCIETY,
14 Beacon Street, Boston 8, Mass., October 6, 1952.

PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION.

GENTLEMEN: I was present at your hearing in Boston on Thursday, October 2, but I was not able to remain long enough to register my feelings about the McCarran-Walter Immigration Act. I have the following objections to this act:

1. It is based upon an outmoded quota system.
2. It tends to discriminate against certain groups of people such as those from Greece, Latvia, Turkey, and the Far East.
3. It does not permit our country to pursue, in the spirit of a generous policy, in helping people from other countries.
4. It places unnecessary limitations on the rights of native-born first-generation Americans.
5. It does not provide adequately for fair hearings or offer a proper basis of appeal in connection with the issuing of visas and deportation procedures.
6. This act is fraught with injustices and inequities and so it tends to discount and weaken the influence of our Government within the United Nations and among other peoples.

I wish very much that the law might be amended in view of the above facts and also that the quotas for Greece, Italy, and Turkey and for orientals be liberalized. I am not sure that the best way to accomplish this purpose is by distributing unused quotas. I would favor recognizing each country with an adequate quota assuming not every country would use it completely. I would hope that these objectives might be reached in a revised law without weakening the protection against subversives.

While this letter is written to express my own personal views, the social-action committee of the Massachusetts Congregational Conference and Missionary Society tried to induce our Massachusetts Senate and House of Representatives to vote against the McCarran act. The legislative committee of the Massachusetts Council of Churches, of which I am chairman, did the same thing. Our conference at its annual meeting in Worcester in May 1950 passed unanimously a resolution urging support of Senate bill 2842 and House bill H. R. 411. It was the opinion of this group that the Senate bill 2842 offered a much more constructive and satisfactory solution to the problems involved than did the McCarran-Walter bill.

Cordially,

(Sgd.) MYRON W. FOWELL.

MWF/sm.

STATEMENT SUBMITTED BY ADAM F. STEFANSKI, PRESIDENT, AND RAYMOND Z. SOBOCINSKI, SECRETARY, OF THE POLISH-AMERICAN CITIZENS CLUB, SALEM, MASS.; AND BY MRS. STASIA ZMYEWSKA, PRESIDENT, AND MRS. SOPHIE QUELLETTE, RECEIVING SECRETARY, OF THE WOMEN'S POLISH-AMERICAN CITIZENS CLUB, SALEM, MASS.

POLISH-AMERICAN CITIZENS CLUB, INC.,
9 Daniels Street, Salem, Mass., October 6, 1952.

The Honorable the MEMBERS OF PRESIDENT TRUMAN'S SPECIAL COMMISSION ON IMMIGRATION,
Washington 25, D. C.

GENTLEMEN: The Polish-American Citizens Club of Salem takes this opportunity to express its protest and opposition to the McCarran Act on immigration and particularly to those features which, based on the lamentable National Origins Act of 1924, even more strictly limits immigration from countries of eastern and southern Europe as well as reduces the naturalized citizen to a second-class status.

It is the feeling of our membership that the immigrants from the countries which are being discriminated against have on numerous occasions amply demonstrated their absolute loyalty to our Nation and that the theory of national origins

as applied by the McCarran Act is obsolete, un-American, and vicious. Further, in the matter of sacrifice the naturalized citizen has in many occasions responded to a greater degree than even the native-born.

In view of the foregoing we take this opportunity to urge you most strongly after your investigation that you recommend such changes as would remove the objectionable features of this particular legislation and thereby place all regardless of national origin on the same level.

Respectfully yours,

ADAM F. STEFANSKI,
President.
RAYMOND Z. SOBOCINSKI,
Secretary.
MRS. STASIA ZMYEWSKA,
President, Women's Polish-American Citizens Club.
MRS. SOPHIE QUELLETTE,
Receiving Secretary, Women's Polish-American Citizens Club.

STATEMENT SUBMITTED BY K. S. LATOURETTE, PROFESSOR OF MISSIONS AND ORIENTAL HISTORY, YALE UNIVERSITY

YALE UNIVERSITY,
409 Prospect Street, New Haven, Conn., October 16, 1952.

DEAR MR. ROSENFIELD: In reply to your letter of October 14, may I say that I do not have satisfactorily expert opinion on the immigration and naturalization policies of the United States to be of any service to your committee. In general, I hope a way may be found to ease them on behalf of displaced and stateless persons who would make loyal citizens and of highly qualified technical and professional men and women from whatever country or race whose coming would be an asset to the United States.

Very truly yours,

(Signed) K. S. LATOURETTE,
Professor of Missions and Oriental History.

STATEMENT SUBMITTED BY REV. FREDERICK J. BUCKLEY, PROFESSOR OF SOCIAL ETHICS, ST. JOHN'S SEMINARY, BRIGHTON 35, MASS.

OCTOBER 27, 1952.

MR. CHAIRMAN: I would like to go on record as being definitely and strongly opposed to the quota system of the McCarran Immigration Act. It reflects a false and undemocratic philosophy in its practical result of all but excluding entirely certain "inferior" racial groups.

Sincerely yours,

(Signed) Rev. FREDERICK J. BUCKLEY,
Professor of Social Ethics.

STATEMENT SUBMITTED BY JUDITH BREGMAN, SECRETARY OF THE COMMITTEE ON VISA PROBLEMS OF THE FEDERATION OF AMERICAN SCIENTISTS

DEPARTMENT OF CHEMISTRY,
MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Cambridge 39, Mass., October 29, 1952.

The Honorable PHILIP B. PERLMAN,
Chairman, President's Committee on Immigration and Naturalization, Executive Office, Washington 25, D. C.

DEAR MR. PERLMAN: Concerning the difficulties experienced by foreign scientists trying to obtain visas to enter this country, I concur in large part with the testimony given by Prof. Charles Coryell before your committee in Boston on October 2, 1952. There are two points that I should like to add to Professor Coryell's testimony.

Although the visa difficulties of the younger scientists have received less publicity than those of the better-known older scientists, the restrictive visa policy is particularly damaging in the case of the younger men. These people, less well known and with fewer connections, have fewer avenues of recourse than do the older men when their applications for visas are seriously delayed or denied. In addition, many of the younger scientists have not been to the United States before, and one unpleasant visa experience will be a large part of their first-hand information about this country. The resultant bitterness due to our restrictive visa policy may well be greater than is engendered when an older man is denied a visa.

The October 1952 issue of the Bulletin of the Atomic Scientists provides an admirable survey of the situation as it affects both temporary and permanent immigration of scientists and scholars. This issue documents the problem and discusses its adverse effects on scientific progress in this country as well as on the United States reputation abroad.

Sincerely yours,

[s] Judith Bregman,
JUDITH BREGMAN,
Secretary of the Committee on Visa Problems of the Federation of American Scientists.

STATEMENT SUBMITTED BY MAURICE R. DAVIE, PROFESSOR OF SOCIOLOGY, YALE UNIVERSITY, NEW HAVEN, CONN.

YALE UNIVERSITY,
DEPARTMENT OF SOCIOLOGY,
New Haven, Conn., October 30, 1952.

Mr. HARRY N. ROSENFIELD,
President's Commission on Immigration and Naturalization,
Third Floor, 1740 G Street NW.,
Washington 25, D. C.

DEAR MR. ROSENFIELD: As I pointed out as early as 1923 in my A Constructive Immigration Policy, in 1936 in World Immigration and more recently in my pamphlet, What Shall We Do About Immigration? (1946), and my book, Refugees in America (1947), there is urgent need to eliminate the racial and discriminatory provisions of our immigration and naturalization acts, to improve the administration of our immigration and naturalization laws, and to modernize and codify our intricate body of legislation on these matters. These were the conclusions of an objective, scientific study of the subject. I now find that none of these needs or goals has been adequately met by Public Law 414, the Immigration and Nationality Act. So the problem still remains, and it will continue to vex and hamper us both at home and in our international relations until it is solved.

While the new Immigration and Nationality Act has some meritorious features, it has many more provisions that are seriously defective. Chief among the defects is its racial and ethnic discrimination evident in (1) retention of the national origins quota system, which obviously and intentionally discriminates against southern and eastern Europeans, (2) the establishment of the Asia-Pacific triangle (which is a modification of the objectionable Asiatic barred zone provision of the act of 1917) with a racial basis of quota allocation—even carried out to the degree of intermixture—instead of place of birth as a criterion such as is applied in other cases, and (3) the provision charging immigrants born in a dependency to the quota of the governing country and limiting this number to 100 a year. The racist concept evident here is both unnecessary and offensive.

Granted a general policy of restriction or limitation in numbers of eligible immigrants, some sound basis of apportionment needs to be worked out. The authors of the Immigration and Nationality Act appear to have neglected this point, merely continuing the national origins provision and not even considering an up-to-date modification of it by using the 1950 population instead of the 1920 population as the base. Actually, the national origins quota system has proved to be inadequate and ineffective as well as insulting to many nationalities. Even the slight modification of pooling the quotas so as to permit unused quotas to be used by other countries was not made. Nor was any consideration given

to the appropriate size of the total quota nor to a more flexible system which could adjust to changing conditions and needs both in this country and abroad. We have the absurd situation, under the limitation of the Displaced Persons Act, where half of the quotas of some countries have been absorbed until the next century. The new act makes the quota system more rigid, limited, and maladjusted than before. Also it ignores the question of applying numerical limitation to the Western Hemisphere as well as the rest of the world.

The new act has compounded the difficulties of any would-be immigrant entering this country to the point where one wonders how anyone can gain admission. The authors of the act reveal an excessive zeal to screen out possible subversives, and they give extraordinary, almost dictatorial, powers to the Attorney General and various administrative officers with reference to admission of immigrants, naturalization and deportation. The whole spirit of the act is anti-immigrant, antialien, anti-Negro, anti-Oriental, and anti-southern and eastern European, and it is hysterical on the matter of safeguarding the security of the United States within the framework of immigration and naturalization legislation. Ideally, the act should be repealed and a new start made to create a comprehensive measure that is sound, nondiscriminatory, and adapted to the best interests of this country including its stake in world peace and security. Lacking repeal, it should be thoroughly modified.

Sincerely,

(Signed) MAURICE R. DAVIE,
Professor of Sociology.